



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
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Eidgenössisches Departement für
Umwelt, Verkehr, Energie und Kommunikation UVEK

Bundesamt für Zivilluftfahrt BAZL
Abteilung Sicherheit Flugbetrieb

CH-3003 Bern, BAZL

European Commission
DG Move
Mr. Filip Cornelis

EASA
Mr. Patrick Ky

EASA Member States

Aktenzeichen: BAZL / 052.2-00015/00001/00002/00002/00008
Ihr Zeichen:
Unser Zeichen: kun/sdm
Bern, 30 March 2015

Notification of an exemption in accordance with Article 14(4) of Regulation (EC) No 216/2008:

Application of Regulation (EU) No. 2015/445 in Switzerland as from 8 April 2015 by exemption from Regulation (EU) 1178/2011 as applicable in Switzerland according to the bilateral agreement between Switzerland and the EU

Dear Sir / Madam

Commission Regulation (EU) 2015/445 amending Regulation (EU) No 1178/2011 has recently entered into force and is applicable in the EU as from 8 April 2015.

However, applicability of the said regulation in Switzerland is subject to the procedures as foreseen in the bilateral agreement on air traffic between Switzerland and the EU. In certain cases, this may lead to a difference between regulations applicable in the EU and regulations applicable in Switzerland.

Due to the short time period between date of publication, entry into force and applicability of Regulation (EU) 2015/445 the procedures as laid down in the bilateral agreement could not be achieved before 8 April 2015. The situation on said date will be that an important amendment of Regulation (EU) 1178/2011 becomes applicable in the Member States of the Union whilst Regulation (EU) 1178/2011 stays in its former version in Switzerland. This creates differences and jeopardizes the uniform application of regulations throughout the EASA community.

The notified exemption aims at avoiding such differences by filling the gap until procedures according to the bilateral agreement are completed. Thus, the notified exemption guarantees uniform application of regulations throughout Switzerland and the EU.

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In content, the exemption granted includes all elements of Regulation (EU) 1178/2011 that are affected by amendments stemming from Regulation (EU) 2015/445. Therefore, the exemption is granted for Articles 8, 10a and 12 as well as the Annexes I, II, III, VI and VII of Regulation (EU) No. 1178/2011 as applicable in Switzerland, amending these by the content of articles 1 and 2 of Regulation (EU) 2015/445. At the same time, Switzerland makes maximum use of all Opt-Out possibilities as contained in article 1.3 of Regulation (EU) 2015/445.

The exemption consists in the Swiss application of regulations that already apply in the EU. Thus, the level of safety under the exemption is identical.

If we can be of further assistance, do not hesitate to contact us.

Yours faithfully,

Federal Office of Civil Aviation



Roland Steiner, Director
Safety Division-Flight Opera-
tion



Martin Schmid
Head Standardisation and Enforcement
Flight Operations



Exemption notification	Ref # [chrono/record num.]
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Article 14.4 of Regulation (EC) 216/2008
Exemption Notification form

This template is recommended to be used for notification of exemptions against Regulations (EC) 1702/2003 and 2042/2003.

Once completed by the NAA, this template should be sent to EASA (exemptions@easa.europa.eu) as soon as possible in parallel / advance of the formal notification via the Permanent Representation, to EASA, Member States and the European Commission.

Notifying State	
Member or Associated State ⁱ	Switzerland
Reference of the notification from the State ⁱⁱ	052.2-00015/00001/00002/00002/00008
Date of the notification ⁱⁱⁱ	03.04.2015
Exemption	
Exempted requirements ^{iv}	Articles 8, 10a, and 12 as well as Annexes I, II, III, VI and VII of Regulation (EU) No. 1178/2011 as applicable in Switzerland on 8 April 2015 according to the bilateral agreement between Switzerland and the EU.
Reason for notification ^v	Repetitive exemption or extension <input type="checkbox"/> Exemption granted for more than 2 months <input checked="" type="checkbox"/>
Aircraft type/model/variant ^{vi}	n.a.
Serial no. ^{vii}	-
Registration ^{viii}	-
Type of operation ^{ix}	n.a.
Organisation or operator or person whom the exemption is granted to ^x	Air crew and competent authority as concerned by the articles 1 and 2 of Regulation (EU) no. 2015/445.
Exemption applicability date ^{xi}	Valid from 08.04.2015 Expiry date: Valid until entry into force of Commission Regulation (EU) 2015/445 amending Regulation (EU) No. 1178/2011 in Switzerland according to the bilateral agreement between Switzerland and the EU



Exemption notification	Ref # [chrono/record num.]
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Reference to previous similar exemptions, if any	date of the earlier exemption granted: - - If applicable, reference of former notification: -
Details of the exemption (attach the exemption) ^{xii}	Please refer to attachment.

Reason for granting exemption ^{xiii}	<p>unforeseen urgent operational circumstances <input type="checkbox"/></p> <p>Please detail:</p> <p>operational needs of a limited duration <input checked="" type="checkbox"/></p> <p>Please detail: Commission Regulation (EU) 2015/445 amending Regulation (EU) No 1178/2011 is applicable in the EU as from 8 April 2015. However, applicability in Switzerland is subject to the procedures as foreseen in the bilateral agreement between Switzerland and the EU which leads to a difference between regulations applicable in the EU and regulations applicable in Switzerland. The Derogation provides for application of articles 1 and 2 of Regulation (EU) 2015/445 in Switzerland on 8 April 2015. Moreover, Switzerland makes maximum use of all opt-out possibilities as contained therein. Thus, the exemption guarantees uniformity of applicable regulations in Switzerland and the EU Member States.</p>
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In case of non approved change/repair: ^{xiv}	<p>If applicable, please refer to the EASA Project number: -</p> <p>If no Project number, classification of the change/repair in accordance with Part 21: Minor <input type="checkbox"/> / Major <input type="checkbox"/></p>
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Justifications of the maintained Level of Safety; Mitigating measures, if any ^{xv}	The exemption consists in application of regulations in force and applicable in the EU as from 8 April 2015. Thus, the exemption provides for an identical level of safety.
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Additional observations ^{xvi} (if any)	-
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Contact Details of NAA ^{xvii}	Federal office of civil aviation (FOCA) Micha Joss, National Point of Contact: micha.joss@bazl.admin.ch
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Agency Use	
Date received	
Date and reference of recommendation	



Exemption notification

Ref #

[chrono/record num.]

This form should be used to provide the basic details regarding the exemptions to be notified as per Article 14(4) of Regulation (EC) 216/2008. Provision of the data request in English will assist in processing the Agency recommendation in a timely manner

For instructions, please see details next page.

¹ State where the notification of exemption comes from.

² Reference of the notification letter from the Member State or associated State to the Commission, the Agency and the other Member States.

³ Date of issuance of notification letter as mentioned in block 2.



Exemption notification

Ref # [chrono/record num.]

^{iv} Refer to Regulation (EC) 216/2008 (hereafter referred to as "Basic Regulation") and articles. Basically, reference shall be made to Basic Regulation Article 14(4). Specific reference to Implementing Rules can be given in addition (example: Part 21, Part M ... with the applicable paragraph corresponding to the NAA remit).

^v According to Basic Regulation Article 14(4), the exemption shall be notified only in those two cases:

- If the exemption is repetitive.
In this case, and if the former exemption was already notified to the Commission (or to EFTA Surveillance Authority, if applicable), to the Member States and to the Agency: provide the reference of the corresponding notification.
- If the exemption is granted for more than 2 months.

^{vi} Refer to the aircraft type/model/variant concerned by the exemption.

^{vii} Refer to the registration concerned by the exemption.

^{viii} Refer to the serial number concerned by the exemption.

^{ix} If the information is relevant to the exemption, indicate the category of operations (e.g. Commercial Air Transport, private).

^x Name of the organisation or operator or person whom the exemption is granted to.

^{xi} Date of the issuance and date of expiry of the exemption.

^{xii} The description of the exemption should allow the Agency's experts to provide a technical recommendation.

In the case of a non approved change or repair, the title of the change/repair and the reason of non-approval shall be given. Classification of the change/repair shall also be indicated in block 12.

In the case where the change/repair is handled by an approved Design Organisation, brief description of the change/repair shall allow the experts to evaluate the technical status of the change/repair and to assess if the exemption complies with the general safety objectives of the Basic Regulation.

^{xiii} As per Basic Regulation Article 14(4), the exemption shall be granted only in the event of unforeseen urgent operational circumstances or operational needs of a limited duration. The corresponding case needs to be ticked and a short justification provided.

^{xiv} In the case where the change/repair is handled by the Agency, the Project number allocated by the Agency after receipt of the application for approval shall be provided so that the Agency's experts can identify the files.

^{xv} Describe how it is ensured that the level of safety is not adversely affected and what mitigating measures are put in place, if any

^{xvi} Any additional information that can help the Agency to provide a recommendation to the Commission can be added there.

^{xvii} Provide contact details (e-mail and phone) of the NAA official in charge of this exemption in the case where additional information would be required by the Agency.