



Advisory Circular

Subject: Exemption from subsection 604.140(2) and paragraph 604.143(1)(e) of the *Canadian Aviation Regulations*

Issuing Office:	Civil Aviation, Standards	AC No.:	AC 604-003
File Classification No.:	Z 5000-34	Issue No.:	01
RDIMS No.:	11695236-V11	Effective Date:	2016-08-22

TABLE OF CONTENTS

1.0	INTRODUCTION	2
1.1	Purpose	2
1.2	Applicability	2
1.3	Description of Changes	2
2.0	REFERENCES AND REQUIREMENTS	3
2.1	Reference Documents	3
2.2	Cancelled Documents	3
2.3	Definitions and Abbreviations.....	3
3.0	BACKGROUND	3
4.0	TYPE RATING TRAINING	4
5.0	PURPOSE OF THE EXEMPTION	4
6.0	APPLICATION OF THE EXEMPTION	4
7.0	APPLICATION CRITERIA	5
8.0	CONDITIONS	5
9.0	CONTACT OFFICE	6

1.0 INTRODUCTION

- (1) This Advisory Circular (AC) is provided for information and guidance purposes. It describes the means of demonstrating compliance with Exemption NCR-33-2016, an exemption from subsection 604.140(2) and from paragraph 604.143(1)(e) of the *Canadian Aviation Regulations* (CARs). This AC on its own does not change, create, amend or permit deviations from regulatory requirements, nor does it establish minimum standards.

1.1 Purpose

- (1) The purpose of this document is to set out the policies and procedures to be used for the implementation of training programs where pilot proficiency is assessed throughout all phases of training rather than by means of a competency check or pilot proficiency check at the end of training.

1.2 Applicability

- (1) This document applies to private operators requesting an exemption to subsection 604.140(2), which states:

A person who will act as a flight crew member for a private operator, and who has successfully completed a pilot proficiency check with an air operator or a competency check with another private operator, meets the requirements of paragraph 604.143(1)(e) if

(a) the pilot proficiency check or competency check was conducted using an aircraft of the same type that the person will operate;

(b) the validity period of the pilot proficiency check or competency check has not expired; and

(c) the private operator provides the person with training in respect of

(i) the processes, practices and procedures set out in the private operator's operations manual,

(ii) any differences between the equipment that is installed on the aircraft operated by the private operator and the equipment that is installed on the aircraft operated by the air operator or the other private operator, and

(iii) any differences between the private operator's operational procedures and those of the air operator or the other private operator.

- (2) And from paragraph 604.143(1)(e) of the CARs, which states:

No private operator shall permit a person to act — and no person shall act — as a pilot-in-command or second-in-command unless the person has successfully completed, in respect of the aircraft type that the person will operate, a competency check that meets the requirements of this section or a competency check or pilot proficiency check that meets the requirements of subsection 604.140(2), and the validity period of the competency check or pilot proficiency check has not expired.

1.3 Description of Changes

- (1) Not applicable.

2.0 REFERENCES AND REQUIREMENTS

2.1 Reference Documents

- (1) It is intended that the following reference materials be used in conjunction with this document:
 - (a) *Aeronautics Act* (R.S., 1985, c. A-2);
 - (b) Part VI, Subpart 04 of the *Canadian Aviation Regulations (CARs) — Private Operators*;
 - (c) Exemption from subsection 604.140(2) and paragraph 604.143(1)(e) of the *Canadian Aviation Regulations (CARs)*.

2.2 Cancelled Documents

- (1) Not applicable.

2.3 Definitions and Abbreviations

- (1) The following **definitions** are used in this document:
 - (a) **Competency**: means a combination of skills, knowledge and attitudes required to perform a task to the prescribed standard (ICAO Annex 1 *Personnel Licensing*).
 - (b) **Competency check**: in this document, all references to competency checks mean a competency check that meets the requirements of subsection 604.140(2) of the CARs.
 - (c) **LOFT**: in this document, the term LOFT means realistic real-time aircrew training involving a full mission simulation of situations representative of line operations.
 - (d) **Pilot proficiency check**: in this document, all references to pilot proficiency checks mean a pilot proficiency check that meets the requirements of subsection 604.140(2) of the CARs.
 - (e) **Proficiency** means having a high degree of competence or skill.
- (2) The following **abbreviations** are used in this document:
 - (a) **ATO**: Approved Training Organization;
 - (b) **CARs**: Canadian Aviation Regulations;
 - (c) **CBAA**: Canadian Business Aviation Association;
 - (d) **EASA**: European Aviation Safety Agency;
 - (e) **FAA**: Federal Aviation Agency;
 - (f) **LOFT**: Line-oriented flight training;
 - (g) **SOP**: Standard Operating Procedures.

3.0 BACKGROUND

- (1) Transport Canada has regulated the operations of private operators since 1983, requiring, among other criteria, that pilots successfully complete a formal assessment of competency at the end of their training (e.g., pilot proficiency check).
- (2) In 2002, under an exemption and by regulation in 2005, Transport Canada transferred the responsibility of administering the certification of private operators to the Canadian Business Aviation Association (CBAA).

- (3) Once delegated the certification of private operators, the CBAA allowed operators to use training models that did not assess pilot competency by means of a competency check or pilot proficiency check.
- (4) Transport Canada relieved the CBAA from its certification functions on April 1st, 2011, and introduced Subpart 604 of the *Canadian Aviation Regulations (CARs) - Private Operators* in May 2014, reinstating the requirement to assess pilot competency by means of a competency check or a pilot proficiency check.
- (5) Private operators that had continued to use a conventional training model where pilot competency was assessed at the end of training by means of a competency check or a pilot proficiency check did not have to amend their training programs.
- (6) Private operators that had transitioned to a training model that did not assess pilot competency at the end of training received an extension valid to June 1st, 2016 to amend their training programs to comply with Subpart 604 of the CARs.
- (7) The extension valid to June 1st, 2016 has been revised to January 31st, 2017.

4.0 TYPE RATING TRAINING

- (1) Conventional type rating training programs consist of the introduction/review and practice of pre-selected exercises where pilots are trained according to standardized lesson plans equally applied to all, regardless of variances in pilot experience and competencies.
- (2) This type of training is well suited for initial type rating training where pilots have approximately the same preliminary level of proficiency but is not optimal for the recurrent training of pilots that are already familiar with an operator's environment, equipment and Standards Operating Procedures (SOPs), as, in many cases, it requires them to spend valuable training time to review and practice exercises they may have already mastered.
- (3) Pilots that are already familiar with an operator's environment, equipment and SOPs are better served by training programs that have the flexibility to address their specific training needs.

5.0 PURPOSE OF THE EXEMPTION

- (1) In this Advisory Circular (AC), the term *Exemption* refers to the exemption from subsection 604.140(2) and paragraph 604.143(1)(e) of the CARs.
- (2) The purpose of the Exemption is to allow private operators desiring an alternative to the training model currently required by Subpart 604 of the CARs, where the competency of flight crews and the validity of training programs are confirmed by means of a formal assessment of pilot competency at the end of training, to move to a model where proficiency is measured throughout training.
- (3) The Exemption describes the requirements that must be met prior to adopting a training model where proficiency is measured throughout training rather than as a last event and lists the mitigations that must be implemented in order to ensure a level of safety at least equivalent to that delivered by compliance with the current requirements of Subpart 604 of the CARs.

6.0 APPLICATION OF THE EXEMPTION

- (1) The Exemption is only available to private operators contracting the training services of training providers that:
 - (a) have an established quality assurance system;

- (b) utilizes the services of instructors/evaluators that meet the requirements of CAR paragraphs 604.143(4)(a), (b) and (c) of the CARs or section 604.143(5) of the CARs;
 - (c) utilizes level C or D simulators equipped and configured to match the aircraft used by the private operator or as otherwise permitted in subpart 604.
- (2) The exemption is not available for an aircraft type for which the private operator is conducting training on board an aircraft in flight.

7.0 APPLICATION CRITERIA

- (1) Prior to moving to a training to proficiency program, private operators must:
- (a) make available to Transport Canada, upon request:
 - (i) the most recent results of an audit of the quality assurance program that meets the requirements of an audit required under subsection 604.206(2) of the CARs;
 - (ii) the most recent results of a review of the safety management system that meets the requirements of a review required under subsection 604.207(2) of the CARs; and
 - (iii) the risk assessment if one is required by the exemption;
 - (b) provide to their training provider the most recent company risk profile required under subparagraph 604.203(1)(c)(ii) of the CARs.

8.0 CONDITIONS

- (1) Private operators utilizing this exemption must:
- (a) use a training program that:
 - (i) is operator specific and is designed to mitigate the risks identified by company risk profile;
 - (ii) meets the knowledge and experience requirements currently required by Subpart 604 of the CARs;
 - (iii) consist of three phases where:
 - (A) Phase 1 consists of a Line-oriented flight training (LOFT) conducted in real time where pilots demonstrate a level of proficiency sufficient to successfully complete a competency check or pilot proficiency check;
 - (I) Pilots unable to demonstrate a level of proficiency sufficient to successfully complete a competency check or pilot proficiency check in the Phase 1 LOFT are trained to the desired level of proficiency and do again the Phase 1 LOFT until acceptable proficiency is demonstrated.
 - (B) Phase 2 consists of a review of the weak areas uncovered in Phase 1, a practice of manoeuvres required by the special authorizations issued to the private operator and a management of threats derived from the company risk profile; and
 - (C) Phase 3 consists of a LOFT conducted in real-time where pilots demonstrate proficiency in the management of operator-specific threats;

- (b) Use the training services of a training provider that :
 - (i) has an established quality assurance system;
 - (ii) has the managerial staff to support the quality of the training, of whom one person other than the person responsible for the training is assigned responsibility of managing the quality assurance system;
 - (iii) provides the training in level C or D simulators equipped and configured to match the aircraft used by the private operator or as required by Subpart 604;
 - (iv) only authorizes instructors that meet the requirements of CAR 604.143(4)(a), (b) and (c) or of subsection 604.143(5) of the CARs to deliver training (including examiners such as synthetic flight examiners (SFEs) and training center evaluators (TCEs)).

Note 1.

Training providers must provide to the private operator certification of pilot proficiency for each pilot at the successful completion of the training program.

Note 2.

When assessing the level of pilot proficiency in Phase 1, a completed copy of the form utilized to ensure that the pilot demonstrate a level of proficiency sufficient to successfully complete a competency check or pilot proficiency check must be made available to Transport Canada, upon request.

9.0 CONTACT OFFICE

For more information, please contact:

Flight Training & Examinations - AARTFE

Fax: (613) 990-6215
E-mail: AARTInfoDoc@tc.gc.ca

Suggestions for amendment to this document are invited, and should be submitted via:
AARTInfoDoc@tc.gc.ca

Original signed by

Robert Sincennes
Director, Standards
Transport Canada, Civil Aviation