EASA European Union Aviation Safety Agency

Exemption Notification Article 71(2)
EASA Reference: 712/24/0092

Article 71(2) of Regulation (EU) 2018/1139

Exemption with duration (cumulative) above 8 months Notification Form

Date of the Notification	13/12/2024

Notifying State	
Member or Associated State / National Authority	SI
Competent Authority Reference	3723-1/2024/50
Contact Details of NAA	**First name** Matej **Last name** Dolinar **E-mail** matej.dolinar@caa.si **Phone** +386 1 244 66 34

Exemption Details	
Title	Exemption granted to organizations and persons involved in the continuing airworthiness of Pipistrel Vertical Solution (PVS) Virus SW 128 aircraft.
Regulation domains	CAW
Related regulations	(EU) No 1321/2014
Related regulations parts	Part-M
Exempted requirements	This exemption is granted in application of article 71(2) of Regulation (EU) 2018/1139 for the following articles/points of Commission Regulation (EU) No 1321/2014: - M.A.603(b) 'Extent of approval', CAO.A.20 'Terms of approval' and 145.A.20 'Terms of approval'. - M.A.606(g), M.A.607(a), CAO.A.40(a), 145.A.30(g)&(h) and 145.A.35(a)&(b) - Article 5(6)
ICAO difference	No
Duration of exemption	From: 13/12/2024 To: 13/12/2026
Repetitive exemption	Yes
Previous exemptions	From: 07/12/2022, To: 07/12/2024, EASA reference: 712/22/0130, MS reference: 3723-1/2022/89 From: 03/12/2020, To: 03/12/2022, EASA reference: 712/20/0126, MS reference: 3723-1/2020/26
Summary of the exemption	M.A.603(b) and 145.A.20: This exemption allows an approved maintenance organisations to apply for and, when fulfilling applicable requirements, obtain a new rating 'Electrical' under the class 'Engine'. Whithout this exemption, no approved maintenance organisation would be eligible to maintain the electrical engine and/or under component rating 'Propulsion batteries'. - M.A.606(g), M.A.607(a), CAO.A.040(a), 145.A.30(g)&(h) and 145.A.35(a)&(b). This exemption allows maintenance organisation to grant certification authorisation to staff that does not hold a Part-66 license endorsed with the aircraft type and to staff to release to service electrical engines in Member States where there is no national law establishing the release to service of electrical engine. This exemption is required since the scope of the A2, B1.2 and B3 licenses is meant to be limited to piston-engine aircraft. Also B2 and C licenses are not foreseen for an aircraft with an electric powerplant since the basic knowledge training syllabus does not cover electric propulsion aircraft.
	Urgent operational needs When the continuing airworthiness rules were developed, the only aircraft powerplants available were piston engine ot turbine engine, so the rules were tailored only for these powerplants. Therefore, continuing airworthiness rules do not provide adequate flexibility in the case of aircraft with certain design novelties, as it is the case of the Pipistrel Virus SW128, which has an electrical engine as the powerplant. In particular, maintenance organisations approval rating prescribed by the rule are not adequate, nor there are the Part-66 license categories(*), that consider only piston or turbine engines aircraft. Additionally, there are no requirements in force in this Member State (TBC) specifying requirements for

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Reason for granting exemption	certifying staff of electrical engines. The ongoing EASA rulemaking task (RMT) RMT.0731 is currently developing an update to Regulation (EU) No 1321/2014 to include electric propulsion within its regulatory framework. In the meantime, on 15 June 2020 the Virus SW 128 has obtained TC n EASA 573 (issue 07). Until RMT.0731 will eventually have resulted into respective amendments to Regulation (EU) No 1321/2014, the continuing airworthiness of these aircraft cannot be conducted as per the applicable rule (i.e.: for at least additional 2 years). An exemption is therefore the only way to allow the continuing airworthiness of the Virus SW 128 under the current regulatory framework of Regulation (EU) No 1321/2014. (*) – In 2019 regulation (EU) 2018/1142 amended Part-66 and the license with L2 subcategory were introduced in the continuing airworthiness regulatory system. This subcategory of the license permits the release to service of Pipistrel SW128 (as an ELA1 airplane with electrical propulsion). Nevertheless the number of holders of such licenses in still quite limited and in this sense, the Exemption could still be needed if MROs do not have CS with Part-66 L2 licenses or there are no sufficient L2 Part-66 independent CS.
Summary of mitigating measures	**Safety, environmental protection** This exemption, including the mitigating measures described below, provides a level of safety that is equivalent to the one provided by Regulation (EU) No 1321/2014 for the continuing airworthiness of aircraft subject to Annex Vb (Part-ML). Environmental protection is not directly affected by this exemption, nevertheless by allowing the operation of aircraft with electric propulsion it supports the operation with lower environmental impact. **Market distortion** This exemption allows, under the current regulatory framework of Regulation (EU) No 1321/2014, the operation of the Virus SW 128 which has already obtained an EASA type certificate. In this context, it does not introduce any market distortion since its only purpose is to enable the introduction of the Virus SW 128 until the related necessary updates to Regulation (EU) No 1321/2014 are in place. The mitigating measures (see below) ensure an adequate integration of the Virus SW 128 into the Regulation (EU) No 1321/2014 regulatory framework while providing similar conditions for both the Virus SW 128 and conventional SEP aeroplanes. **Essential requirements** Based on the above explanations, compliance with the essential requirements of Annex II to Regulation (EU) 2018/1139 is ensured with this exemption. Mitigating measures: The owner of the aircraft commits that the continuing airworthiness is managed by a CAMO or a CAO. ML.A.302(b)(1) provision that allows a self-declaration of the aircraft maintenance programme (AMP) for aircraft is not applicable. The CAMO/CAO renounces to Part-ML and to ML.A.302(c)(2)(a) (by renouncing to this provision, it is guaranteed that type certificate holder's instructions for continuing airworthiness would be reflected in the AMP). The CAMO/CAO also renounces to provision ML.A.302(e) that allows the absence of AMP document. The CAMO/CAO renounces to ML.A.502(a), ML.A.801(b)(2), and ML.A.801(b)(3) provisions and therefore only approved organisations should release the maintenance. (When not renounced, these provisions would have allowed that independent certifying staff and pilot-owner to release to service components or aircraft after maintenance.) The CAMO/CAO commits that maintenance on the aircraft is only performed by a maintenance organisations with the rating A2 and the aircraft type explicitly mentioned under 'Limitations' of the 'extent/terms of 'approval approved or 'recognised' (*) by the competent authority of the Member State where the aircraft is registered. (*) – 'recognised' means approved in accordance with (EU)1321/2014 or through an exemption in accordance with article 71(1) of the BR by another European aviation authority, and accepted for the purpose of this exemption on a voluntary basis by the competent authority of the Member State where the aircraft is registered. The CAMO/CAO commits that the maintenance of the engine will be done in maintenance organisations approved or 'recognised' by the competent authority of the Member State where the aircraft is registered. The maintenance organisations intending to conduct maintenance on the aircraft will be approved with rating A2 and with the 'aircraft type' identified in the 'Limitations' of the approval. These organisations commit to issue an organisation authorization entitling subject staff to act as support staff or certifying staff in the aircraft, only when fulfilling the following conditions: a) An organisation authorisation can be granted to Part-66 license holders to act as support staff and to issue certificate of release to service on behalf of the maintenance organisation, when the aircraft maintenance does not relate to the aircraft powerplant or related systems and within the limits permitted by their Part-66 licenses. b) An organisation authorisation can be granted to Part-66 license holders with categories B3, B1.2, and C, with rating in group 3, once they have successfully carried out an aircraft differences training and a list of practical tasks mentioned below, to act as support staff and to issue certificate of release to service on behalf of the maintenance organisation within the privileges assigned to their corresponding license category including the release to service after maintenance on the aircraft powerplant or related systems.

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	The aircraft differences training will be/is conducted by Pipistrel d.o.o. and will cover/covers the theoretical elements differences between SW128 compared to other similar Group 3 aircraft, covering in particular the electrical propulsion and associated systems. The list of practical tasks will cover/covers typical AMM tasks specific for the electrical propulsion and associated systems of the SW128, when compared to other piston engine aircraft (or the SW121). The practical tasks program will be/is conducted by Pipistrel d.o.o. Both the syllabus for the theoretical elements of the differences training and the list of practical tasks will be provided/are provided by Pipistrel in accordance with document “DOT-128-00-11-001 Difference training – Maintenance”, which will be/has been reviewed by EASA. Slovenian CAA has positively assessed Pipistrel course in regards of the following elements: - The teaching methods and instructional equipment; - The material and documentation provided to the student; - The qualification of instructors and assessors; - The assessment procedure - The documentation and records generated for each student in support to the issuance of the ‘certificate of satisfaction’. Pipistrel d.o.o. has committed to do not deviate from the referred document (DOT-128-00-11-001 Difference training – Maintenance), nor from the above training standards without notifying the authority, i.e. EASA or Solvenian CAA. Pipistrel d.o.o. will issue/has issued a certificate of satisfaction to each certifying staff that has successfully taken the course (theoretical element and the list of practical tasks positively assessed). Note: Pipistrel should identify if B2-license holders with group 3 endorsed would need any differences training for to work on the aircraft. Approval of Maintenance organisations with the rating ‘Electrical’ under the class ‘Engine’, will have to contain ‘Limitations’ referring explicitly to the ‘engine type’.
Type of operation	N/A
Non-approved change repair	N/A

Concerned Entity(ies)	
Concerned entity	Organisation
Concerned entity details	- Owners of Pipistrel Virus SW128 aircraft concerned by this Exemption - CAMOs or CAOs approved tby CAA Slovenia responsible for the continuing airworthiness of Pipistrel Virus SW128 aircraft registered in the Republic of Slovenia. - Maintenance organisations approved tby CAA Slovenia or recognized o conduct maintenance on Pipistrel Virus SW128 registered in the Republic of Slovenia or their engines. - Certifying staff and support staff working in these maintenance organisations and under their procedures.

Product

TC holder	Product type	Product model	Registrations	Serial part numbers
PIPISTREL VERTICAL SOLUTIONS	Virus SW 121	Virus SW 128 (Velis Electro)	All Pipistrel Virus SW 128 (Velis Electro)registered in the Republic of Slovenia	All Pipistrel Virus SW 128 (Velis Electro)registered in the Republic of Slovenia

Attached Documentation	
MS Original Granting Document	• Virus_SW_128_-_izjema_2024_P
Supporting Documentation	

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