***European Aviation Safety Agency***

**Recommendation No IFTSS/2016/003/UK on the notification by the United Kingdom about its intention to grant an approval for a flight time specification scheme deviating from certain provisions of CS FTL-1 on the basis of Article 22(2) of Regulation (EC) No 216/2008.**

**A) BACKGROUND**

By letter dated 02 March 2016, the United Kingdom’s representation to the EU in Brussels notified the Commission and EASA their intention to deviate from CS FTL.1.235 (a) (1) on the basis of Article 22(2) of Regulation (EC) No 216/2008[[1]](#footnote-1).

In the notification letter the United Kingdom explains its intention to approve an individual flight specification scheme for the United Kingdom AOC holder “easyJet Airline Limited” (hereafter the operator), deviating from the certification specification requiring that if a transition from a late finish/night duty to an early start is planned at home base, the rest period between the two flight duty periods (FDPs) includes a local night.

The documents provided by the United Kingdom’s competent authority (hereafter UK CAA) to support the proposed deviation describe the operator’s proposed measures as follows:

*“The Duty Block contains no Flying Duty Period starting in the period 0200- 0259 local time and no more than 1 Flying Duty Period (FDP), consisting of no more than two operating sectors, starting in the period 0300-0459 local time.*”

The documents provided by UK CAA to support the proposed deviation explain that the operator

* has demonstrated extensive fatigue risk management experience and continuous compliance with ORO.FTL.120;
* is conducting scientific research on the fatigue risks in its operation in regular intervals; and
* shall apply this deviation only in the context of the documented and UK CAA approved fatigue risk management crew roster rules.

The documents provided by UK CAA to support the proposed deviation highlight that the operator’s UK CAA approved fatigue risk management roster rules impose additional restrictions to those required by Subpart-FTL and CS FTL-1 on the number and type of consecutive flight duties and transitions between flight duties to mitigate cumulative fatigue originated by high workload and disruptive schedules.

**B) LEGAL FRAMEWORK**

Article 22 (2) of the Basic Regulation states the following:

*“With regard to flight time limitation:*

1. *the Agency shall issue the applicable certification specifications to ensure compliance with essential requirements and, as appropriate, the related implementing rules. Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91, taking into account the latest scientific and technical evidence;*
2. *a Member State may approve individual flight time specification schemes which deviate from the certification specifications referred to in point (a). In this case the Member State shall without delay notify the Agency, the Commission and the other Member States that it intends to grant approval for such an individual scheme;*
3. *upon notification the Agency shall, within one month, assess the individual scheme on the basis of a scientific and medical evaluation. Thereafter the Member State concerned may grant the approval as notified, unless the Agency has discussed the scheme with that Member State and proposed changes thereto. Should the Member State agree with these changes, it may grant the approval accordingly;*
4. *in the event of unforeseen urgent operational circumstances or operational needs of limited duration and non-repetitive nature, derogations to certification specifications may apply provisionally until the Agency expresses its opinion;*
5. *should a Member State disagree with the Agency's conclusions concerning an individual scheme, it shall refer the issue to the Commission to decide whether that scheme complies with the safety objectives of this Regulation, in accordance with the procedure referred to in Article 65(3);*
6. *the contents of individual schemes which are acceptable to the Agency, or on which the Commission has taken a positive decision in accordance with point (e), shall be published.”*

The deviation refers to CS FTL.1.235 (a) (1), which reads:

*“If a transition from a late finish/night duty to an early start is planned at home base, the rest period between the 2 FDPs includes 1 local night.”*

**C) EVALUATION**

The Agency reviewed the proposal with the help of a panel of experts[[2]](#footnote-2). The experts were provided in advance with the documents submitted by UK CAA. The experts were invited to comment on the operator’s proposal, the UK CAA’s assessment of the operator’s proposal and on the Agency’s comments. Documents and comments were discussed during a WebEx meeting on 31 May 2016.

The following remarks result from the examination of the documents submitted by UK CAA to support the proposed derogation:

* The deviation is intended to satisfy operational needs resulting from the operator’s specific operational context. According to the documents provided by UK CAA, this deviation shall be applicable to all easyJet crew members in all bases.
* The panel emphasised that the operator has a FRM function (or system) and complies with ORO.FTL.120. The UK CAA’s documents confirm that the operator has a robust reporting culture with a non-punitive fatigue reporting process that allows proactive as well as reactive reporting.
* With regard to the operator’s crew roster rules, the panel noted that
  + the operator has developed a set of complex rules to control the fatiguing effect of transitions between disruptive duties;
  + these crew roster rules are monitored and controlled using the operator’s FRM Assurance processes;
  + under these rules a duty block[[3]](#footnote-3) consists of no more than five duty days (six for cabin crew members);
  + the operator does not roster ‘deep early’ start night duties[[4]](#footnote-4) with more than two sectors; and
  + changes to the crew roster rules are subject to UK CAA prior approval.
* The panel highlighted that changes to the crew roster rules should be monitored with a view of assessing their impact on the transition from night duties (so called ‘deep early’ starts) to early starts.
* The panel suggested that UK CAA monitors the relative frequency of ‘deep early’ start night duties and changes thereto by means of performance indicators in order to control performance targets per home base, crew role[[5]](#footnote-5) and roster pattern[[6]](#footnote-6).

**D) CONCLUSION**

Having reviewed the deviation notified by the United Kingdom, the Agency sees no reason to consider that the proposed measures do not lead to an equivalent level of protection to that attained by the application of CS FTL-1 in the context of easyJet operations, provided the following conditions are fulfilled:

1. The individual flight time specification scheme (IFTSS) approval shall be conditional upon a continuous compliance with ORO.FTL.120.
2. The UK CAA shall approve the operator’s IFTSS with the following limit:

*A duty block may contain a maximum of five consecutive easyJet early start duties[[7]](#footnote-7) and no more than one transition at the home base between a ‘deep early’ start night duty and an early start in accordance with the definitions in ORO.FTL.105(8) without a rest period between the two FDPs that includes a local provided that*

*the duty block contains no flying duty reporting between 02:00 and 02:59 local time where the crew member is acclimatised; and*

*no more than one FDP, consisting of no more than two sectors as an operating crew member, reporting between 03:00 and 04:59 where the crew member is acclimatised.*

1. The UK CAA shall ensure that in the future data collection is carried out with the involvement of crew members that are representative of the operator’s crew population (crew role, gender, age, roster pattern), including data from all affected home bases.
2. The UK CAA shall require the operator to develop and monitor performance indicators that capture the frequency of the following transitions and their impact on crew members per home base, crew role and roster pattern:
   1. the combination of ‘deep early’ start night duties and early starts; and
   2. the transitions of ‘easyJet evening duties’[[8]](#footnote-8) finishing after 23:00 local time where the crew member is acclimatised to early starts.

Performance targets for the aforementioned performance indicators shall be part of the approval. Changes to those targets shall be subject to prior UK CAA approval.

1. The UK CAA shall monitor changes to the crew roster rules with a view of assessing their impact on the transitions from ‘deep early’ night duties and early starts.
2. The UK CAA shall include information on these changes and their impact in the report that shall be submitted to the Agency for re-evaluation within 24 months after the approval of the IFTSS.

Signed on …………………….

*Patrick KY*

*Executive Director*

1. Regulation (EC) No 216/2008 of 20/02/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European aviation Safety Agency and repealing Council Directive 91/670/EEC, regulation (EC) No 1592/2003 and Directive 2004/36/EC. [↑](#footnote-ref-1)
2. Panel composition IFTSS 2016/003/UK shared with Advisory Bodies on Circabc. [↑](#footnote-ref-2)
3. In the specific context of this operation ‘duty block’ means the time between two extended recovery rest periods. [↑](#footnote-ref-3)
4. For the purpose of the easyJet transition variation ‘deep early’ start night duty shall mean an FDP that reports between 03:00 and 04:59 at the local time in the time zone where the crew members is acclimatised. [↑](#footnote-ref-4)
5. ‘Crew role’ refers to captain, first officer, senior cabin crew member and cabin crew member. [↑](#footnote-ref-5)
6. The operator defines crew roster rulesets that combine the sequence of duty days and days off duty in five different ways. [↑](#footnote-ref-6)
7. easyJet defines an ‘easyJet early start’ as a duty period starting between 02:00 and 06:59 where the crew member is acclimatised. [↑](#footnote-ref-7)
8. easyJet defines an ‘easyJet evening duty’ as a duty period starting at or after 09:30 local time and finishing at or after 18:00 local time where the crew member is acclimatised. [↑](#footnote-ref-8)