

**MINUTES OF MEETING**  
**Special FCL & OPS TAG meeting FRM**  
**5 November 2015**  
**Room 04.049, EASA premises**

Organised by

Flight Standards Directorate, Air Operations Department, Air Operations Regulations Section

List of Participants

Attendees	<b>Members and appointed experts of OPS TAG</b>
	<p><b>TAG Members / appointed experts</b></p> <p>Natascha Wohlschlager      Appointed expert, CAA Austria</p> <p>Philip Winternitz              Appointed expert, CAA Austria</p> <p>Mads Eklund                      Appointed expert, CAA Denmark</p> <p>Michael Sieder                  TAG member, LBA Germany</p> <p>Anna Wozniak                  Appointed expert, CAA Poland</p> <p>Beata Winska                    Appointed expert, CAA Poland</p> <p>Ingeborg van Gasteren        Appointed expert, DGCA Netherlands</p> <p>Mark Foppele                  Appointed expert, CAA Netherlands</p> <p>Stephan Eder                    TAG member, CAA Switzerland</p> <p>Christer Ullvetter              Appointed expert, CAA Sweden</p> <p>Jari Pöntinen                    Appointed Expert, CAA Finland</p> <p>Kathryn Jones                  Appointed expert, CAA UK</p> <p>Maria Brown                    Appointed expert, CAA UK</p> <p><b>EASA</b></p> <p>Claudio Trevisan (CTR)</p> <p>Daniel Coutelier (DCO)</p> <p>Betty Lecouturier (BLE)</p> <p>Francesco Gaetani (FGA)</p> <p>Adina Szonyi</p> <p>Marcella Miano (MMI)</p> <p>Angeliki Karakoliou</p>



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<b>Related Links/Documents:</b>
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Agenda and minutes will be published on CIRCABC.
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<b>MoM Distribution:</b>
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OPS TAG, appointed experts and observers.
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MoM prepared by	Angeliki KARAKOLIOU	01.12.2015
MoM reviewed by	Daniel COUTELIER	04.12.2015
MoM reviewed by	Claudio TREVISAN	18.12.2015



### 1. Welcome and introduction

*Presented by: C. Trevisan*

The meeting started at 09:00. C. Trevisan welcomed everybody and opened the meeting. D. Coutelier gave a short welcome speech as well.

### 2. Adoption of the agenda

*Presented by: D.Coutelier*

DCO asked the MSs to propose AOBs for the meeting. One MS proposed to reserve some time for questions and clarifications at the end of the meeting. Another MS suggested that the implementation date of Reg. 83/2014 (18/2/2016) was not in line with the Commission paper on transition and that therefore the issue should be re-discussed. Another MS proposed to discuss the definition of air-taxi. DCO suggested explaining the requirement regarding “a local night between late arrival and night duty and then an early start”. Another MS proposed to discuss the need for more guidance material for FRM. The agenda was adopted with the aforementioned AOBs.

Moreover, MSs requested information related to the newly introduced fast track procedure for amending the Implementing Rules (IR). MMI (SM.2.1) explained that the fast track procedure foresees publishing ToR directly without consultation. Furthermore, the NPA public consultation (through CRT) may be replaced by a focussed consultation in the form of a meeting with affected stakeholders or a workshop. The aim is to issue an Opinion in only three to six months. One MS enquired how the fast track procedure was perceived by the RAG members. MMI explained that the proposed changes were in general welcomed, as long as flexibility and transparency were ensured for the stakeholders. MMI concluded that the quality of the fast track procedure will be assessed once the procedure has been applied a few times.

### 3. Minimum number of CC during cruise on flights with in-flight rest

*Presented by: BLE*

BLE reported that after the task force proposal has been circulated, only one MS provided comments. This MS suggested referencing the proposed AMC related to the number of CC to be present and ready to act in the passenger compartment during in-flight rest to Sub-part FTL (ORO.FTL.205) instead of ORO.CC. This position was supported by two other MS. BLE explained that the purpose was to change the title of ORO.CC.205 to include a third case of reduction of the number of cabin crew for the purpose of in-flight rest, and to create a hook in the same IR to enable airlines to allow in-flight rest to part of the CC. According to the Agency's understanding, the Regulation does not permit a part of the minimum required CC to take in-flight rest. BLE summarised that there is an ad-hoc need to allow some flexibility subject to conditions that would ensure an equivalent level of safety. Until the rule can be amended, a derogation under the provisions of Art. 14.6 could address this need. A MS suggested to act differently in case of a normal FDP and in case there is a need to extend the FDP. In the latter case, it should be put under ORO.FTL. DCO emphasised that the reduction of CC during cruise needs to be related to in-flight rest. One MS claimed that there is no actual need to change



anything, however operators should make an effort to describe how they implement this rule. MSs discussed how to best address the urgent ad hoc issue of enabling to continue with practices related to the number of CC to be alert and ready to act when others take in-flight rest. Two MSs confirmed that they would be ready to file for a derogation under the provisions of Art. 14.6 to bridge the time between February 2016 and an amendment to the rule. One MS requested to start with asking for legal advice to establish whether such derogation request and amendment of the rule ORO.CC.205 are necessary, or if the issue can be addressed by an AMC to ORO.FTL.205(e).

One MS raised the question about how to differentiate between in-flight rest for CC when an FDP is extended due to in-flight rest and CC who goes to rest even when there is no legal obligation to do so. DCO replied that operators may ask that CC rest even if there is not a legal requirement to do so in order to increase the level of safety and he pointed out that the issue can be solved with proper technical drafting. One MS asked to clarify whether that requirement should be linked to ORO.FTL as there is no need for extended FDP. DCO explained that the proposal was to change the title and amend ORO.CC.205. Thus, there would be three circumstances for a reduced number of CC present and ready to act in the passengers compartment:

1. ground operations;
2. unforeseen circumstances;
3. in-flight rest during cruise.

DCO added that in-flight rest is a requirement in numerous labour agreements. He reminded of the “Whereas” of Reg. 83/2014, which states that FTL is without prejudice to more protective social legislation. BLE suggested to invite the taskforce for another WebEx to improve the text based on the latest comments. It was agreed that the need to amend the IR or to regulate with additional AMC should be analysed by the Agency’s Legal Department and be subject to clarification from the Commission.

On a different note, DCO reminded the experts that the way the Agency is communicating with the experts has changed, namely now it is done through the Sinapse platform, so as to reduce the burden of the numerous e-mails. He explained that anyone can share information in the discussion board of the platform and can access the folders as well. Furthermore, a notification is sent to the experts through an e-mail, when a document has been uploaded.

**Action Item:** EASA to ask for a legal analysis on how to best address the issue. The issue of derogation, if requested by a MS, to be discussed at the EASA Committee.

**Stakeholder:** EASA. EASA Committee (if applicable).

**Date:** February 2016 (if a derogation request is received)

#### 4. Personnel on board the aircraft

*Presented by: DCO*

One MS suggested the amendment to ORO.FTL.100 (to limit scope of Reg. 83/2014 to flight and cabin crew) to be included with a fast track procedure and the air crew regulation to be changed as well.



Additionally, another MS asked whether HEMS doctors are to be treated as crew members. BLE explained that medical personnel exclusively conducting medical duties do not need to comply with FTL. FTL becomes only applicable to them if the operator requires them to perform safety related duties.

**5. Additional GM: GM2 ORO.FTL.120(b)(3) The scientific method - GM2 ORO.FTL.105(1) Definitions (acclimatised) Demonstration of an equivalent level of safety**

*Presented by: DCO*

**GM2 ORO.FTL.105(1)**

One MS requested to clarify what is considered scientific method and what is the definition of a study. Another MS raised the issue of privacy and the fact that crew members sometimes do not want to reveal data about their sleeping habits. DCO agreed that there was a need to address confidentiality in any data collection. He explained that describing how confidentiality was safeguarded in the ToR should be a prerequisite for any study/data collection. He elaborated that cooperation and trust were key elements for any flexibility system requested from an operator. Data on fatigue can only be available if crew members are willing to provide data on their sleeping habits. A functional reporting system is a necessary requirement to collect credible data on crew fatigue. One MS explained that they use confidentiality agreements to ensure that data provided will be used only for the purpose of the study and that nobody else apart from the scientist will be able to identify the data. The involvement of an ethics committee can provide an additional level of safety. MS questioned the need for research. The great majority of MSs supported, however, the idea that data collection and research was the only tool to gather valuable information to improve fatigue management and allow for flexibility.

One MS enquired about acceptable measurement methods. Namely, whether data on heart rate and heart rate variability would be enough evidence for a derogation to be accepted. DCO replied that a peer reviewed and benchmarked study could deliver acceptable evidence for a derogation.

The AOB proposed discussion on additional guidance material was raised at this point with one MS stating that for FRM and associated performance base requirements that the ICAO FRMS for Regulators guidance material should be promoted. This would provide a clear and standardised approach and enable MSs to have a tool to support them in their assessment process that was transparent and available to all. This approach was generally supported by the other MS.

MSs agreed that it would be appropriate to propose GM on the scientific method by suggesting additional GM via the CRT as comments to the NPA on “Update of the rules on air operations” [\[NPA 2015-18 open for comments until 27 January 2016\]](#).

**GM2 ORO.FTL.105(1) – acclimatisation**

One MS asked for a clarification regarding GM2 CS.FTL.1.235.(b)(3), namely what does “in both directions” mean. DCO explained that there was very limited impact on the synchronisation of the body clock during the FDP on day two in a rotation going from 0 to -6 on day one and on day two from -6 to -9 and back to -6. One MS pointed out the impact on the state of acclimatisation rather depended on the number of time zones



crossed in one direction. MSs agreed that it would be appropriate to propose additional GM on acclimatisation by suggesting additional GM via the CRT as comments to the NPA on “Update of the rules on air operations” [NPA 2015-18 open for comments until 27 January 2016].

## 6. IFTSS Assessment – what is expected

*Presented by: DCO*

One MS supported the assessment tool developed by the Agency. Another MS asked the Agency to report on the latest developments regarding IFTSS evaluation. DCO explained that the use of the IFTSS assessment tool was not mandatory. So far, only one NAA had used it and from its perspective it proved to be very useful. He emphasised that its purpose was to support the work of NAAs. He explained that it was not necessary to fill all the boxes in all cases. On the other hand, he reminded that NAAs had to scientifically evaluate proposed IFTSSs. DCO suggested introducing GM explaining acceptable IFTSS assessment methods. Such could point to ICAO Doc 9966. This Doc explains how operators may proceed to demonstrate the safety of individual fatigue management solutions. He suggested to propose the GM with an NPA. One MS stated that some authorities might face difficulties to approve FRM due to lack of resources.

One MS asked about how to decide whether it was necessary to have an approved FRM to apply for an IFTSS. DCO explained that there was no legal requirement, however, that it was a requirement for the operator to demonstrate its data collection and assessment capability.

**Action Item:** Propose GM pointing to ICAO Doc 9966 through NPA

**Stakeholder:** EASA

**Date:** tbd

## 7. Oversight of performance based elements of FTL ORO.FTL.110

*Presented by: DCO*

Some MS stated that they had already reviewed the document and that some parts seemed to be repetitive.

One MS suggested that the expectations on SMS could be too ambitious. There was agreement that normally compliance is ensured with IT tools. Therefore, the oversight should focus on the performance in terms of fatigue.

As regards the use of rostering software, DCO explained that operators would need demonstrate that their software was producing fully (all elements of CS-FTL) compliant rosters. One MS supported the idea to shift oversight efforts to focus on performance instead of mere compliance checking.

DCO emphasised that the Agency’s goal with this checklist is to support NAAs moving from compliance checking to performance verification. One MS pointed out that the auditing tools used by the Agency should be based on the regulation and requested a GM to be published before inspectors start raising findings on NAAs’ methods to oversee ORO.FTL.110.



DCO explained that the goal was to verify that NAAs had a functional method to oversee that operators were striking the right balance between compliance and risk management in their fatigue management under the prescriptive FTL. One MS stated that it was useful to have so specific expectations, however, these expectations seemed rather high. One MS pointed out that a finding should not be seen as negative but an opportunity to improve. DCO With regard to the comment that the demonstration of the performance could be too burdensome for small operators, DCO emphasised that any CAT operator must comply the Reg. The complexity of any FRM system is however, depending on the complexity of the operations and not the size of the operation. He requested proposals from the MSs on how to handle the matter.

## **8. Debriefing FRM WS**

*Presented by: DCO*

MSs provided DCO with positive feedback from the WS.

## **9. AOBs**

*Presented by: DCO*

Regarding the AOB proposed by DCO (local night between late arrival and then night duty and then early start), one MS suggested that the rule is somewhat blunt. DCO suggested that MSs should be open to support operators wishing to address the issue with more refined individual solutions, provided operators were able to demonstrate the level of safety.

Regarding the implementation date of Reg. 83/2014 and the possibility to advance the implementation, DCO explained that the Agency's statement in the FAQ and the Commission on transition complemented each other. That means, NAAs cannot mandate an advanced implementation, however, operators ready and willing to implement may do so before 18 February 2016. One MS mentioned that in some cases a derogation from national rules might be necessary for some of the operators. Another MS requested an update to the relevant Q&As on the EASA website. DCO responded that he will draft an additional sentence to clarify the issue.

**Action item:** Amend FAQ

**Stakeholder:** DCO

**Date:** As soon as practicable

Regarding the definition of "Air Taxi", DCO explained that any CAT operation with an MOPSC of more than 19 must be compliant with Reg. 83/2014. One MS additional explanatory material to avoid misunderstandings during the transition period. Another MS suggested drafting GM for the AOC holders in order to help NAAs. It was emphasised that additional layers of requirements should be avoided. One MS asked whether there is any auditing tool produced by the Agency. DCO explained that there is already such a tool uploaded on SINAPSE.

**Action Item:** Folder to be opened in Sinapse platform to begin a discussion about the topic.

**Stakeholder:** DCO





**Date:**

