



OPINION No 02/2011

OF THE EUROPEAN AVIATION SAFETY AGENCY

of 19 April 2011

**for a Commission Regulation establishing the Implementing Rules for the
qualification of cabin crew involved in commercial operations**

'Cabin crew qualification and related attestation'

Explanatory Note

I. Introduction

1. The purpose of this Opinion is to assist the Commission in laying down Implementing Rules for civil aviation personnel referred to in Article 4(2) of Regulation (EC) No 216/2008¹ of the European Parliament and of the Council (hereinafter referred to as the 'Basic Regulation').
2. The Basic Regulation establishes a comprehensive framework for the definition and implementation of common technical requirements and administrative procedures in the field of civil aviation. Within this framework, this Opinion specifically addresses the qualification of cabin crew involved in commercial air transport operations of aircraft referred to in Article 4(1)(b) and (c) of that Regulation.
3. The objective of the proposed Part-Cabin Crew (hereinafter referred to as 'Part-CC') is to establish common technical requirements specifying the conditions for issuing, maintaining, amending, limiting, suspending or revoking the cabin crew attestation foreseen by Article 8(4) and (5)(e) of the Basic Regulation and the privileges and responsibilities of their holders.
4. Part-CC, as proposed by this Opinion, is composed of three subparts, including:
 - o Subpart GEN, general requirements;
 - o Subpart CCA, specific requirements for the cabin crew attestation;
 - o Subpart TRA, training requirements for cabin crew attestation applicants and holders.
5. The text proposed in this Opinion reflects the changes made to the initial proposals of the Agency (as published in NPA 2009-02e) as a result of public consultation, as well as further changes made following the review of reactions received to the CRD.

II. Consultation

6. The initial proposals for Part-CC were published as part of NPA 2009-02 on the Agency website (<http://www.easa.europa.eu>) on 30 January 2009.

The consultation period of the NPA was extended in accordance with Article 6(6) of the Rulemaking Procedure² at the request of stakeholders to ensure overlap with related NPAs and to provide more time for comments, taking into account the size and scope of the NPA.
7. NPA 2009-02 was divided into seven separate documents, one of which, NPA 2009-02e³, contained the draft proposals for Implementing Rules (IR) and related Acceptable Means of Compliance (AMC) and Guidance Material (GM) for the qualification of cabin crew involved in commercial air transport operations and the related cabin crew attestation referred to in Article 8 (4) and (5)(e).

¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 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 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.03.2008, p. 1), as amended by Regulation (EC) No 1108/2009.

² EASA Management Board Decision 08-2007, amending and replacing the Rulemaking Procedure, adopted at the Management Board meeting 03-2007 of 13 June 2007. (http://www.easa.eu.int/ws_prod/g/management-board-decisions-and-minutes.php).

³ NPA 2009-02e: http://easa.europa.eu/ws_prod/r/doc/NPA/NPA%202009-02E.pdf.

8. By 31 July 2009⁴, the closing date of the consultation period, the Agency had received 568 comments relevant to Part-CC. The main commentators included National Aviation Authorities, airline organisations and cabin crew associations, as well as individual airlines and persons.
9. The work on the review of comments was framed by the common approach to the extension of EU competences agreed among the Agency, the European Commission and the Management Board of the Agency. This common approach established not only a detailed prioritisation of the work to be developed by the Agency, but also high level principles that would preside over the review of the comments. Among these were: the adherence to ICAO SARPs, EU law and adopted Joint Aviation Requirements (JARs); the necessity to give due consideration to safety and regulatory principles and to the current distribution of the text between hard and soft law; the need to duly consider constraints such as changes stemming from the Basic Regulation and from Joint Aviation Authorities' (JAA) NPAs which had reached consensus; the need to create proportionate requirements; and, finally, the requirement to pay special attention to the clarity, legal certainty and enforceability of the proposed regulatory text.
10. The Agency submitted the outcome of the comment review and the draft resulting text to the OPS.001 review groups for commercial air transport (CAT)⁵ and for non-commercial operations with complex motor-powered aircraft (NCC)⁶.
11. The mentioned groups were created in accordance with the Rulemaking Procedure and included the members of the OPS.001 core drafting group as well as other experts from the Agency, National Aviation Authorities and industry who had not been involved in the initial drafting phase.
12. Based on a careful review of all comments to the NPA and input from the review groups, the revised proposals were published on the Agency website on 7 October 2010 as a Comment Response Document (CRD) to NPA 2009-02e - Part-CC. By the closing date of 7 December 2010, the Agency had received 80 reactions (resulting in 176 different reactions) from 35 commentators, including National Aviation Authorities, airline organisations and cabin crew associations, as well as individual training organisations, airlines and training device manufacturers.
13. The reactions placed on Part-CC included 29 reactions that concerned the operational requirements for cabin crew published with the CRD for Organisation Requirements (Part-OR - OR.OPS.CC) and 5 reactions that concerned the proposals on Subpart AR.CC published in the CRD for Authority Requirements (Part-AR). Similarly, 29 of the 113 reactions relevant to cabin crew that were received on the CRD concerning Parts AR and OR (AR.CC and OR.OPS.CC) were reactions to Part-CC. Some of those reactions were duplicates.

III. Summary of the reactions received on the CRD Part-CC and resulting text

14. The Agency conducted a careful analysis and assessment of all the received reactions. Based on this, changes were made to the CRD draft text for Part-CC. Further information can be found below under the relevant headings.

⁴ In accordance with article 6.6 of the Management Board decision 08-2007, the Agency extended the consultation period for an additional period of 2 months to ensure overlap with related NPAs (from 30/05/2009 to 31/07/2009).

⁵ Rulemaking group composition for CAT
(http://www.easa.europa.eu/ws_prod/r/doc/NPA/Review%20Group/GC%20OPS%20001%20CAT.pdf).

⁶ Rulemaking group composition for NCC
(http://www.easa.europa.eu/ws_prod/r/doc/NPA/Review%20Group/GC%20OPS%20001%20CMPA.pdf).

Cover Regulation for Part-CC

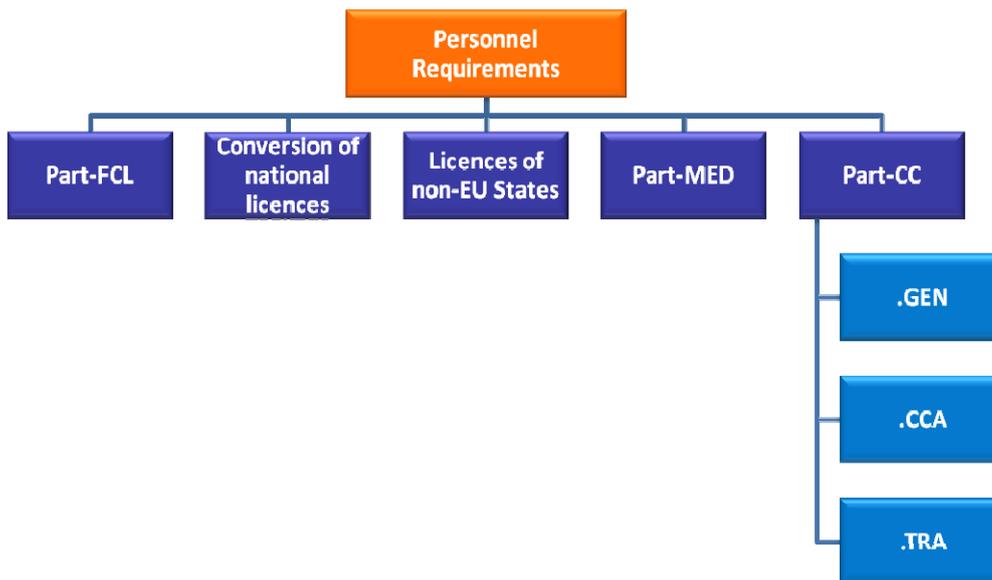
15. **The Cover Regulation on civil aviation personnel** contains requirements addressed to Member States, defines the general applicability of the Parts it covers and proposes transition measures that may include opt-outs⁷ if going beyond 8 April 2012. As publication of the Agency Opinions for the first extension is being carried out in phases, it is expected that the related Regulations may also be adopted in phases taking into account that at the end of the adoption process by the Commission the Regulation on civil aviation personnel will cover Part-FCL, Part-MED and Part-CC (i.e. rules covering flight crew licensing and their medical certification, as well as qualification of cabin crew and their medical fitness).
16. **Most reactions received on the Cover Regulation on Part-CC published with the CRD** focused on the proposed requirement to replace the attestations of safety training issued in accordance with Annex III to Council Regulation (EEC) No 3922/91⁸ as amended by Commission Regulation (EC) No 859/2008⁹ (hereinafter referred to as EU-OPS) with cabin crew attestations of the new format, and on the proposed transitional periods.
17. **The Cover Regulation published in this Opinion:** The general principle of grandfathering the attestation of safety training issued in accordance with EU-OPS to cabin crew involved in commercial air transport operations by aeroplanes has been maintained and clarified. Also, the related transitional periods for replacing them with cabin crew attestations to the new format have been prolonged until 8 April 2017, similarly to what will apply for the re-issue to the new format of JAR-compliant pilot licences, with a view to:
- o provide Member States and concerned stakeholders with more time as regards the issue of a cabin crew attestation to the new format; and
 - o cover the different situations of cabin crew members holding, at the applicability of this Regulation, an attestation of safety training issued in accordance with EU-OPS. This takes into account that the requirement for aircraft type training to be completed in addition to the initial training before the issue of cabin crew attestations as initially proposed in the NPA and CRD has been deleted, thus limiting the requirement to the completion of the initial training course.
- Whilst it is unusual for flight crew, experience shows that cabin crew members may elect to stop flying during one or more years. In such a case, the knowledge and proficiency gained during their initial training cannot be maintained by flying experience and the associated required training and checking, and the validity of the initial training expires after a certain period without flying.
18. Cover Regulation Article 1 lists the amendments to be made to the Commission Regulation on civil aviation personnel to cover cabin crew, as follows:
- o A point on cabin crew qualification is added under 'Scope and applicability';
 - o A definition of cabin crew member is added under 'Definitions': The definition takes into account the changes that occurred in the aviation sector since the initial issue of JAR-OPS 1 that contained the definition now in EU-OPS, and provides more legal certainty. It encompasses all cabin crew duties and areas where they perform duties (inside as well as outside the aircraft cabin, e.g. after an evacuation) and makes clear that such personnel must be qualified to perform the required duties.

⁷ An opt-out is a type of transition measure that leaves to the Member States the choice to postpone the implementation date of a certain provision, up to a certain time limit defined by law.

⁸ OJ L 373, 31.12.1991, p. 4-8.

⁹ OJ L 254, 20.9.2008, p. 1.

- A new Article on 'Cabin crew qualification and related attestation' is added to specify that cabin crew involved in commercial air transport operations of aircraft referred to in Article 4(1)(b) and (c) of the Basic Regulation must be qualified in accordance with Part-CC, and to describe the transition measures. The specific case of cabin crew members involved in commercial air transport operations by helicopters who are currently not required to hold an attestation of safety training is also addressed.
19. Cover Regulation Article 2 specifies the date of entry into force and provides for opt-outs regarding the provisions for documents and record-keeping, as well as for the issue of cabin crew attestations to cabin crew members involved in commercial air transport by helicopters.
 20. The chart below shows the structure of Part-CC as Annex V to the Cover Regulation for civil aviation personnel as published in this Opinion.



Part-CC - Requirements for qualification of cabin crew

21. The CRD proposals for Part-CC contained the requirements for the qualification and related attestation, as applicable to cabin crew involved in commercial air transport operations. These requirements are supplemented by the operational requirements directed to the operators operating aircraft with cabin crew and by the authority requirements relevant to cabin crew attestation applicants and holders.
22. **Reactions to the CRD** originated from 35 commentators, as follows:
 - 6 Member States: 3 of them confirmed their concerns with some of the CRD proposals as well as with the NPA proposals, even though they supported other changes made.
 - 5 European airlines organisations and 6 individual airlines from 3 Member States confirmed their disagreement with regard to the scope of the cabin crew attestation despite the changes made to the initial proposals.
 - 13 cabin crew organisations: all complained that the CRD proposals had been significantly lowered and asked to go back to the initial NPA proposals.

- 5 training organisations (TOs) and training device manufacturers expressed concerns on the absence of common requirements for TO approvals and training devices, and asked for the development of such criteria or standards by EASA.
23. **Main issues** - When reviewing the reactions received, the following main issues were identified:
- **Scope of the cabin crew attestation:**
 - The proposed requirement for aircraft type-specific training to be completed in addition to the initial training course before the cabin crew attestations may be issued appeared to be the main issue. The majority of the reactions expressed the view that the attestation should be issued after completion of the initial training course, as under EU-OPS, excluding a requirement for aircraft type-specific training.
 - **Conditions for the use of the attestation by the holders:**
 - The requirement to carry the attestation when performing duties on an aircraft generated diverse views.
 - The requirement for cabin crew to be medically fit, which is already required by EU-OPS, was fully accepted as such.
 - **Training requirements:**
 - Other reactions expressed the view that the detailed training syllabus should be specified in an Appendix to the Implementing Rules, with the same status as under EU-OPS, to ensure reliability and facilitate recognition of cabin crew attestations across the European Union.
24. **Resulting text presented in the Opinion:** the Implementing Rules (IRs) of Part-CC are contained in three Subparts as described below.
25. **Part-CC Subpart GEN – General requirements**
- Subpart GEN contains the IRs that specify the competent authority (CC.GEN.001) and the scope (CC.GEN.005) of Part-CC. It also specifies how an application for a cabin crew attestation shall be submitted (CC.GEN.015) and the minimum age for applicants (CC.GEN.020).
 - Subpart GEN also contains IRs in CC.GEN.025 that describe the privileges associated to the cabin crew attestation required by Part-CC as well as the conditions of its use and the responsibilities of the holders. The requirements that were already in EU-OPS, namely for continuous fitness and for competence on the aircraft type to be operated, are confirmed. The requirement to carry the attestation when exercising privileges has been transferred into a new IR 'CC.GEN.030 Documents and record-keeping' for the reasons described in the following paragraph.
 - This IR was developed to clarify the responsibility of the holders in relation to their individual professional documents and training records. Having considered the diverse views expressed, the Agency is of the opinion that cabin crew, as any other civil aviation personnel who must comply with rules, shall be able to show compliance at any time. This is the fundamental purpose of any professional document required by aviation safety rules. It aims at improving awareness and commitment of the holders in ensuring that they comply with the applicable rules and that the related documents are valid and maintained in a good condition. It also aims at facilitating ramp inspections. This latter point becomes increasingly relevant in the current aviation context where there is a growing number of freelance and seasonal crew members, and of part-time or full-time cabin crew members working for more than one operator.

- o Furthermore, as foreseen by the Basic Regulation (Article 8(5)(e)) cabin crew attestations must be maintained. Since the cabin crew attestation is issued after the initial training course, thus for unlimited duration under normal conditions, the required continuous compliance with other applicable safety rules by the holder can only be shown if the attestation is supplemented by a list of aircraft type qualifications which the operators shall make available to each cabin crew attestation holder they employ. Taking into account that all operators must have a system in place to provide their personnel with safety related information and updates, this is proposed as the most practical option compared to an administrative process by the authority or an approved organisation to re-issue and/or revalidate the attestations.

26. Part-CC Subpart CCA - Specific requirements for the cabin crew attestation

- o Subpart CCA contains the IRs specifically addressing the issue, validity and suspension or revocation of the cabin crew attestation. The cabin crew attestation is to be issued after successful completion of the initial training course and related examination. Compliance with all other applicable training requirements remains a condition for the use of the attestation by the holders as already mentioned above.
- o Also, as requested by the reactions received from several Member States, the task of issuing the attestation (CC.CCA.100) may, if so decided by a Member State in accordance with Article 8(4) of the Basic Regulation, be delegated to an organisation, provided any such organisation is approved to do so by the competent authority.
- o The IR in CC.CCA.105 on the validity of the cabin crew attestation has been amended and the initially proposed conditions of validity have been replaced by alternative proposals suggested by commentators, namely the attestation's validity shall expire in the case of suspension or revocation by the competent authority or if the holder does not exercise his/her privileges during a period of more than 60 months.
- o The IR in CC.CCA.110 on the suspension and revocation of the cabin crew attestation specifies conditions that are very similar to those applicable to other civil aviation personnel and under which the attestation may be suspended or revoked by the competent authority.

27. Part-CC Subpart TRA - Training requirements for cabin crew attestation applicants and holders

Subpart TRA contains the IRs specifically covering the training requirements which are mainly based on the corresponding EU-OPS requirements.

- o A detailed syllabus for the initial training course required by CC.TRA.220 is specified in an Appendix to the Part which has the same legal status as under EU-OPS. This should facilitate the recognition of the cabin crew attestations across the European Union;
- o Aircraft type or variant qualification(s) under CC.TRA.225, which reflect the current EU-OPS training and checking requirements, are specified as conditions of use of the attestation by the holders. The training programmes will be specified in the implementing rules directed to the operators and covering air operations (Part-CAT).

28. Item to be considered for additional rulemaking

The consultation process clearly showed a wide consensus among most Member States and stakeholders on the need to develop common criteria or standards at the EU level for the approval of training organisations for cabin crew, for qualifications

of instructors and examiners and for training devices. Therefore, subject to common understanding and agreement on the legal basis by the legislator, the Agency proposes to address these issues with a future Rulemaking task.

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