



## Opinion No 09/2013

### Transfer of JAA cabin safety tasks

Related NPA/CRD 2012-12 – RMT.0327 (OPS.058(a)) – 30/09/2013

#### EXECUTIVE SUMMARY

This Opinion addresses an amendment to Commission Regulation (EU) No 965/2012 establishing the Implementing Rules for air operations, and specifically amendments to Part-ORO and to Part-CAT. The specific objective is to maintain a high level of safety with regard to the following issues:

1. Incapacitation and replacement of Senior cabin crew member.
2. Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members.

Both tasks were initiated by the Joint Aviation Authorities (JAA) and were transferred to the Agency after JAA ceased its activities.

#### Incapacitation and replacement of Senior cabin crew member

This Opinion clarifies the intent of paragraph ORO.CC.200(e), transferred from EU-OPS 1.1000(d), which requires an operator to establish procedures on the replacement of Senior cabin crew member (SCCM) in case the nominated individual becomes 'unable to operate'. The lack of clarity results in various interpretations by EU operators leading to non-compliance with Commission Regulation (EU) No 965/2012. The specific objective of this Opinion is to ensure the correct interpretation and application of the regulatory requirement by European operators by clarifying the intent of the rule.

This Opinion replaces the term 'senior cabin crew member' with the acronym 'SCCM' to ensure its correct interpretation as referring to the cabin crew member 'in charge'.

#### Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members

This Opinion proposes a new regulatory requirement. The specific objective is to require a qualified person on board the aircraft during ground operations with passengers embarking, on board or disembarking in the absence of flight crew members. The qualified person will establish and coordinate communication with aerodrome services in case of urgent need or emergency on board that aircraft.

The proposed changes are expected to maintain and to increase safety. ICAO expressed support to both proposals during the public consultation of NPA 2012-12.

Applicability		Process map	
Affected regulations and decisions:	Commission Regulation (EU) No 965/2012, Annex to ED Decision 2012/017/R, Annex to ED Decision 2012/018/R.	Concept Paper:	No
Affected stakeholders:	Air operators, aerodromes, national aviation authorities.	Rulemaking group:	No
Driver/origin:	JAA	RIA type:	Light
Reference:	CRD 2012-12, NPA 2012-12, NPA-OPS 62 EASA Rulemaking Proposal Form of 4 May 2007	Technical consultation during NPA drafting:	No
		Publication date of the NPA:	2012/Q3
		Duration of NPA consultation:	3 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the Opinion:	2013/Q3
		Publication date of the Decision:	n/a

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## 1. Procedural information

### 1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this Opinion in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the Agency's Rulemaking Programme for 2012–2015 under RMT.0327 (OPS.058(a)).

The two separate issues addressed by this Opinion were initiated by JAA. The task on incapacitation and replacement of SCCM was discussed at the Air Safety Committee in 2007. The Committee concluded that the task be transferred to the Agency for introduction into the future Implementing Rules (IRs). The task on communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members was a proactive safety initiative to address the non-existence of a regulatory requirement. When JAA ceased its activities, both tasks were transferred to the Agency. Both issues were merged into one rulemaking task, and due to their progress under JAA and the availability of Agency resources it was decided that the rulemaking task would be conducted as an 'Agency task'.

The scope and timescale of the task were defined in the related Terms of Reference published on the Agency's website on 26 September 2011<sup>3</sup>.

The draft text of this Opinion has been developed by the Agency. All interested parties were consulted through NPA 2012-12<sup>4</sup>, which included the RIA and was published on 29 August 2012. The public consultation period ended on 29 November 2012. The Agency received 39 comments from interested parties, including ICAO, FAA, national aviation authorities, professional organisations and private companies. ICAO expressed support to both proposals of NPA 2012-12, and so did EU national aviation authorities and a professional organisation.

The Agency has carefully reviewed all the comments received. The comments, and the Agency's responses, are presented in the Comment-Response Document (CRD) 2012-12<sup>5</sup>. The CRD was published on 20 March 2013 and the reaction period ended on 21 May 2013. The Agency received 14 reactions from national aviation authorities, an aircraft manufacturer, industry and a professional organisation.

The final text of this Opinion (i.e. Explanatory Note and draft regulation(s)) has been developed by the Agency.

The process map on the title page summarises the major milestones of this rulemaking activity.

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<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and 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, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

<sup>2</sup> The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2013.

<sup>3</sup> In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure <http://easa.europa.eu/rulemaking/terms-of-reference-and-group-composition.php#OPS>

<sup>4</sup> <http://easa.europa.eu/rulemaking/r-archives.php>

<sup>5</sup> <http://easa.europa.eu/rulemaking/comment-response-documents-CRDs-and-review-groups.php>

**1.2. The structure of this Opinion and related documents**

Chapter 1 of this Opinion contains the procedural information related to this task. Chapter 2 'Explanatory Note' explains the core technical content. The draft rule text proposed by the Agency is published on the Agency's website<sup>6</sup>.

**1.3. The next steps in the procedure**

This Opinion contains proposed changes to Union regulations. The Opinion is addressed to the European Commission, which uses it as a technical basis to prepare a legislative proposal.

The Decision containing the related Acceptable Means of Compliance (AMC)/Guidance Material (GM) will be published by the Agency when the related Implementing Rule(s) are adopted by the Commission.

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<sup>6</sup> <http://easa.europa.eu/agency-measures/opinions.php>

## 2. Explanatory Note

This Opinion proposes an amendment to Commission Regulation (EU) No 965/2012 establishing the Implementing Rules for air operations, and specifically to Part-ORO and to Part-CAT.

### 2.1. Issues to be addressed

This Opinion addresses the following issues:

#### 2.1.1 Incapacitation and replacement of SCCM

In 2005, the Central Joint Aviation Authorities (CJAA) received an enquiry referring to at that time applicable *JAR-OPS 1.1000(d) Senior cabin crew members*. The enquiry addressed the lack of clarity of the referenced paragraph resulting in conflicting interpretations by European operators leading to operational misapplications, e.g. replacing a SCCM for the duration of sick leave, pregnancy, maternity/paternity or parental leave by a cabin crew member not qualified as a SCCM. CJAA concluded that proper understanding of the requirement could only be achieved by referring to several other paragraphs of JAR-OPS and could therefore lead to different interpretations and possible non-compliance.

The referenced text of JAR-OPS 1.1000(d) was transposed into Commission Regulation (EC) No 859/2008 (hereinafter referred to as 'EU-OPS') in OPS 1.1000(d), which entered into force in 2008. The same text was further transposed into Commission Regulation (EU) No 965/2012.

The enquiry sent to CJAA called for clarification of the following three questions:

1. 'in the event of the nominated senior cabin crew member becoming unable to operate' – does 'becoming unable' refer to incapacitation occurring in flight, or a few hours, or days before?
2. 'select the next most suitably qualified cabin crew member to operate as senior cabin crew member' – how long is this substitution allowed, e.g. single sector, or round trip, or all rostered flights for the month?
3. 'does JAR-OPS 1.1000 disallow any flights to depart from base with an SCCM substitute, i.e. if a cabin crew member replaces a SCCM, must he/she be replaced by a SCCM once he/she has a stopover at base?'

This Opinion addresses clarification of the three areas:

1. Replacement of SCCM who did not report for, or cannot commence the assigned flight or series of flights originating from his/her assigned crew base, e.g. SCCM collapsing during the preflight briefing or during boarding. The operator needs to ensure that a sufficient number of appropriately qualified personnel is on standby to efficiently react to such circumstances. As the operator has the means at its base to replace the incapacitated SCCM, the flight shall not depart unless another SCCM is assigned.
2. Replacement of SCCM who becomes incapacitated or unavailable. NPA/CRD 2012-12 differentiate between the two, as unforeseen occurrences can relate to inability to perform duties during the flight or to inability to report for flight duty period when at a stopover (layover) destination.
3. Replacement of SCCM by the cabin crew member most appropriately qualified to act as SCCM. This exception was catered for special circumstances when there is no other SCCM on the same flight who can take over, or if the flight transits or has a layover in a destination which is not one of the operator's bases and where the operator has no means to assign a replacement, or if assigning a replacement would result in the aircraft being grounded at an outstation for a long period of time until

another SCCM arrives at that destination; the FTL requirements of the operating crew need to be taken into account as well. Aircraft being grounded is not the intention of this amendment; the Agency is of the opinion that the possibility for the aircraft to return to an operator's base should be provided. Replacement of the incapacitated/unavailable SCCM by the most appropriately qualified cabin crew member is limited in order for the aircraft to reach an operator's base where another SCCM would be assigned to take over.

#### Incapacitation vs unavailability

This Opinion clarifies the difference between *incapacitation* and *unavailability* as unforeseen circumstances. Based on a comment received on NPA 2012-12, this clarification was extended to also include cabin crew members; therefore, it is now linked to ORO.CC.205(b)(2) which deals with reduction of minimum required number of cabin crew in unforeseen circumstances (incapacitation and unavailability).

*Incapacitation* refers to unforeseen occurrences during the actual flight operation that preclude the individual (SCCM or cabin crew member) from performing his/her duties. There may be another SCCM on the same flight who would take over the duties and responsibilities of the incapacitated/unavailable SCCM. There may not be another SCCM on the same flight and the most appropriately qualified cabin crew member would take over in order to reach an operator's base where another SCCM would replace him/her. The most appropriately qualified cabin crew member should have adequate operational experience as a cabin crew member and should be qualified on the particular aircraft type/variant. In case the incapacitation/unavailability concerns any member of the cabin crew, if the operating cabin crew complement consists of the minimum required number of cabin crew for the particular aircraft type/variant, ORO.CC.205(b)(2) will apply.

*Unavailability* refers to unforeseen circumstances at a stopover (layover) destination that preclude the individual (SCCM or cabin crew member) from reporting for the flight duty period. If the layover stop is one of the operator's bases, the operator will have the means to assign a replacement. If the layover stop is not one of the operator's bases, the operator should make the effort to assign the appropriate replacement. If a replacement is not possible in the case of SCCM, the exception provided in ORO.CC.200(e)(1)(iii) will apply in order to reach an operator's base. The operator will also notify the competent authority in accordance with ORO.CC.200(e)(2). If a replacement is not possible in the case of cabin crew member, ORO.CC.205(b)(2) will apply. The operator will submit a report to the competent authority in accordance with the same paragraph.

The amended GM explaining incapacitation and unavailability — linked to ORO.CC.205(b)(2) — is included in the amendment proposal of ED Decision 2012/017/R.

#### SCCM vs senior cabin crew member

This Opinion replaces the term 'senior cabin crew member' with the acronym 'SCCM' to ensure its correct interpretation as referring to the cabin crew member 'in charge'.

This Opinion clarifies the intent of the regulatory requirement ORO.CC.200(e); therefore, no transition period is foreseen.

### **2.1.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members**

The proposal to initiate this task was presented to JAA by the JAA's Operations Procedures Steering Group (OPSG) in 2007. The proposal represented a proactive safety initiative as a result of the identification of a safety need to prevent accidents/incidents that may occur in the future and to address the gap of non-existence of regulatory requirements to cover these circumstances. Currently, the operational requirement specifies that a qualified person shall be on board the aircraft during fuelling operations when passengers are embarking, on board or disembarking. Another operational requirement requires the minimum required number of cabin crew to be on board whenever any passengers are on

board; this number can be reduced provided at least one member of the flight crew is in the flight crew compartment. Should there be an urgent need or an emergency on board that aircraft, the necessary communication with aerodrome services in the above cases will be established and coordinated by the qualified person or by the flight crew member(s).

The operational requirements, however, do not cover circumstances when cabin crew and passengers are on board, fuelling operations are not in progress and flight crew members are absent. This situation poses the question as to who and how can notify the aerodrome services about the urgent need or the emergency on board. The operational requirements neither address the need of flight crew members to be on board when passengers are on board (except for the case of reduction of the minimum number of cabin crew), nor do they address the requirement for a qualified person to be on board when flight crew members are absent.

This Opinion contains a new regulatory requirement: *CAT.OP.MPA.195 Ground operations with passengers on board in the absence of flight crew*. It requires the operator to establish procedures to alert aerodrome services in the event of ground emergency or urgent need on board an aircraft and at least one person on board the aircraft to be qualified to apply the communication procedures and to ensure proper coordination between the aircraft and the aerodrome services. The proposed text provides the operator with the flexibility to decide who the qualified person will be and which unit of the 'aerodrome services' the qualified person will contact (taking into account the information published by the aerodrome).

#### Aerodrome services

This Opinion introduces the term 'aerodrome services'. Since the future Commission Regulation (EU) No .../... on Aerodromes does not use the collective term 'aerodrome services', this term was created within the scope of this task and is based on ICAO Annex 14. The explanation is included in the amendment proposal of ED Decision 2012/018/R.

This Opinion contains a new regulatory requirement. A transition period of one year is foreseen to provide stakeholders with sufficient time for implementation.

## **2.2. Objectives**

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2. The specific objective of this proposal is:

### **2.2.1 Incapacitation and replacement of SCCM**

The objective is to clarify the intent of the regulatory requirement to ensure it is clearly expressed and cannot be misunderstood and/or interpreted in multiple ways by operators. Coordination of cabin safety and of all cabin-related matters with cabin crew, flight crew and with all ground personnel involved in dispatching the aircraft for a flight is conducted by a qualified SCCM and in exceptional circumstances (in order to reach an operator's base) by an experienced cabin crew member. A report will be submitted to the competent authority.

### **2.2.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members**

The objective is to ensure that communication can always be established between an aircraft and aerodrome services when passengers are embarking, on board or disembarking in the absence of flight crew members, hence preventing potentially serious consequences due to limited or no means of alerting the required assistance. This will be achieved by developing regulatory requirements requiring a qualified person on board the aircraft in the absence of flight crew members during ground operations with passengers

embarking, on board or disembarking, who will establish and coordinate communication with aerodrome services in case of urgent need or emergency.

## **2.3. Outcome of the consultation**

### **2.3.1 Incapacitation and replacement of SCCM**

#### **Concerns raised by stakeholders during the NPA's public consultation period and addressed in CRD 2012-12**

##### Agency task

Some commentators questioned the conduct of this rulemaking task as an 'Agency task'. The background of this task was explained in NPA/CRD 2012-12 and it is also explained in 1.1 above.

##### Current operational practices on the replacement of incapacitated/unavailable SCCM

Some commentators expressed the opinion that the Agency created new rules on the replacement of a SCCM who becomes 'unable to operate'. The proposals included in the NPA/CRD do not provide any new or unknown guidance on replacing incapacitated/unavailable SCCMs; the proposal reflects known operational practices currently applied by operators. Further to the basic clarification proposal of NPA/CRD 2012-12 'Incapacitation and replacement of SCCM', it is the operator's responsibility to develop detailed procedures on the replacement of incapacitated/unavailable SCCM.

Two commentators suggested that the clarification of the regulatory requirement was not required and that procedures should be left to the discretion of the operator. Furthermore, *any* cabin crew member can replace a SCCM for an unlimited period of time. Such approach would lead to non-compliance with Commission Regulation (EU) No 965/2012, ORO.CC.200(a), ORO.AOC.135(b), and ORO.GEN.110(d) and (e).

##### EASA Safety analysis report on occurrences related to incapacitation of a SCCM

NPA 2012-12 contained an attachment consisting of data retrieved from the EASA copy of ICAO ADREP database on occurrences related to incapacitation of SCCM. Some commentators challenged the fact that out of 19 presented cases only 1 occurred in Europe. The EASA copy of ICAO ADREP database identifies more occurrences related to 'cabin crew member incapacitation' and it is possible that there are more occurrences where incapacitation concerned a SCCM. The level of detail reported in the occurrence narratives varies, therefore, the 'cabin crew member incapacitation' that specifically concerned SCCM could only be identified in a limited number of narratives. Just as any human being or any aircraft occupant is prone to incapacitation, incidents/accidents also happen to SCCMs – this simple fact cannot be undermined.

##### Dispatch of aircraft with no SCCM

One commentator stated that dispatch of aircraft without a SCCM should not be allowed under any circumstances. ORO.CC.200(a) requires an operator to nominate a SCCM when more than one cabin crew member is required. This Opinion, in ORO.CC.200(e)(1)(i) requires the operator to replace the SCCM who did not report for or cannot commence the assigned flight or series of flights originating from his/her assigned crew base; the flight (from any operator's base) shall not depart unless another SCCM is assigned. Furthermore, ORO.CC.200(e)(1)(ii) requires the operator to replace the incapacitated/unavailable SCCM without undue delay, i.e. taking into account occurrences in flight or during a layover.

Should the rule prohibit dispatch of the aircraft without a SCCM under any circumstances, it would result in aircraft being grounded at outstations until another SCCM arrives. ORO.CC.200(e)(1)(iii) provides an exception of assigning the most appropriately qualified cabin crew member if there is no other SCCM on the same flight, if the flight transits or has a layover in a destination which is not one of the operator's bases and where the operator has no means to assign a replacement or if assigning a replacement means grounding the aircraft for a long period of time until a replacement arrives and is able to

operate the flight (FTL requirements need to be taken into account). This exception is limited in order for the aircraft to reach an operator's base and ORO.CC.200(e)(2) requires the operator to notify the competent authority. The Agency believes that the possibility for the aircraft to return to an operator's base should be provided.

#### Incapacitation vs unavailability

The differentiation of an unforeseen occurrence during a flight and an occurrence during a stopover (layover) and the applicability to both SCCMs and cabin crew members is described in 2.3.1 above.

#### **Concerns raised by stakeholders during the reaction period of the CRD**

##### Regulatory requirements on replacement of SCCM

Two commentators were of the opinion that the Agency ignored their comments on incapacitation and replacement of SCCM, i.e. dissatisfaction with the need to clarify ORO.CC.200(e). The commentators believed that the current regulatory requirement was sufficient and procedures on the subject should be developed individually by operators. Alternatively, the publication of a Safety Information Bulletin on the subject or the development of GM to address the length of replacement were suggested. The background of this task was explained in NPA/CRD 2012-12. It is also explained in this Explanatory Note, see paragraphs 1.1, 2.1.1 and 2.3.1.

### **2.3.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members**

#### **Concerns raised by stakeholders during the NPA's public consultation period and addressed in CRD 2012-12**

##### Establishing contact with aerodrome services

One commentator disagreed with the possibility discussed in the NPA's Regulatory Impact Assessment that cabin crew members could be trained in the use of aircraft flight crew compartment installed communication system to establish the necessary communication with aerodrome services via radio frequencies; according to the commentator, emergency phones are available at aerodromes. The purpose of the RIA is to consider various options and the option for a qualified person is included in section 5.4.2 of NPA 2012-12. The text of the regulatory requirement contained in this Opinion provides the operator with the flexibility to decide who the qualified person will be and by what means the communication will be established. The availability of emergency phones in air bridges, or on remote stands are not required by the future regulatory requirements related to aerodromes. Availability of such emergency phones is a general practice and they may not be available at some aerodromes.

The commentator also disagreed with the qualified person to be on board.

The JAA proposal stated the following:

*Subject title: A qualified person capable of communicating with the emergency services should be on board at any time that a passenger is on board the aeroplane.*

*Proposed text: ... Whenever any passengers are on board an aeroplane, one qualified person must be on board in order to apply these procedures and ensure proper coordination between the aeroplane and the aerodrome services.*

The Agency supports the proposal; therefore, it has been transposed into NPA 2012-12.

##### Delegation of commander's responsibilities

One commentator suggested to develop a provision on delegating commander's responsibilities during ground operations with passengers on board to any person other than a flight crew member in the absence of flight crew members. The commentator reasoned that absence of flight crew leads to legal uncertainty as to who is responsible for

the safety of passengers and crew members. ORO.GEN.100(a) states that *the operator is responsible for the operation of the aircraft in accordance with Annex IV to Regulation (EC) No 216/2008, the relevant requirements of this Annex and its certificate*. 'Operation' includes ground and flight operations. Furthermore, AMC3 ORO.MLR.100 specifies the content of the Operations Manual, and point 8.2.2 specifies the content with regard to ground handling instructions and states: *Further procedures, aimed at achieving safety whilst the aircraft is on the ramp, should also be given*. The commander's responsibilities cannot be delegated. The commander can delegate the conduct of the flight; this can be due to e.g. leaving the flight crew compartment for physiological needs or to take in-flight rest.

#### Miscellaneous

Some commentators proposed amendments to other paragraphs of Commission Regulation (EU) No 965/2012. These were not progressed in CRD 2012-12 as the proposals were not within the scope of this task. The proposals have, however, been noted by the Agency for consideration for future amendments.

#### **Concerns raised by stakeholders during the reaction period of the CRD**

No concerns raised.

## **2.4. Summary of the Regulatory Impact Assessment (RIA)**

The below contains a summary of the RIA as included in NPA 2012-12.

### **2.4.1 Incapacitation and replacement of SCCM**

#### Safety impact

All cabin crew members undergo the qualification-required training and from the aspect of managing their own safety duties and responsibilities, there is hardly any impact, as cabin crew members are trained to manage any normal, abnormal and emergency situation.

In addition to the qualification training all cabin crew members must undergo, a cabin crew member promoted to the position of SCCM is required to further undergo training in accordance with ORO.CC.200(b) and (c) covering all duties and responsibilities of a SCCM. Absence of a SCCM on a flight and replacement by *any* cabin crew member who lacks the required training, knowledge, experience and skills may result in ineffective CRM within the operating crew team and ground personnel and in increased stress for the cabin crew member who is assigned to take over the role of SCCM. This may reflect on flight safety due to incorrect decisions on coordination of cabin safety-related matters or incorrect actions. It may further reflect on the working atmosphere, human factors and performance of cabin crew members who work under the leadership of the insufficiently qualified cabin crew member. It may reflect on flight crew and ground personnel nervous/irritated approach and attitude when dealing with the cabin crew member *in charge* who is not fully aware and trained on the scope of duties and responsibilities of a SCCM.

#### Economic impact

Regulatory requirements mandate the operator to employ a sufficient number of properly trained personnel for ground and flight operations. No economic impact is expected, as a result of clarifying the text of the applicable regulatory requirement to prevent misapplication and non-compliance, for those operators who interpret the regulatory requirement correctly. Limited economic impact related to training costs (SCCM training) is expected for those operators who interpret the regulatory requirement in such a way that leads to non-compliance.

#### Environmental impact

No environmental impact has been identified.

#### Proportionality

No difference has been identified. SCCM is required when more than one cabin crew member is assigned by the operator to operate the flight.

Regulatory coordination and harmonisation

Not applicable.

**2.4.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members**

Safety impact

Other than the instances of refuelling/defuelling and reduction of the minimum required cabin crew, a qualified person is not required to be on board during ground operations when passengers are embarking, on board or disembarking and flight crew members are absent.

There may be cases of urgent needs happening on board the aircraft which would need to be reported immediately as they would require the attention of specifically qualified personnel (e.g. medical, security, police, cabin maintenance, etc.). Ground handling personnel may not be around and cabin crew members are isolated on board with passengers with limited means to establish the necessary contact, e.g. using a mobile phone to contact the operator's offices. The time is progressing and the urgent need may turn into an emergency. Cabin crew are trained on how to deal with various emergencies; however, the regulatory requirements do not require them to be trained in the operation of aircraft flight crew compartment installed communication system or walkie-talkies in order to establish communication with aerodrome services using radio frequencies. Restricted means to establish the necessary communication immediately when required may have an impact on safety of the aircraft occupants.

This Opinion ensures that the safety of aircraft occupants is not jeopardised through non-existent or limited means of communicating the need for help to aerodrome services when flight crew members are absent. This Opinion ensures that a qualified person will always be present on board and will have the adequate means to establish the necessary communication with aerodrome services in case of urgent need or emergency on board, hence preventing possible serious consequences.

Economic impact

The qualified person could be e.g. cabin crew members or SCCM(s), maintenance personnel, ground operations aerodrome personnel, etc. That person would require e.g. training in the use of installed flight crew compartment communication system or walkie-talkies in order to establish communication with aerodrome services via radio frequencies. In the case of cabin crew members or SCCMs, such training would be included in the required operator conversion/differences training, familiarisation or, in the case of SCCM, in the SCCM training. A practical training in the communication with aerodrome services via radio frequencies using the flight crew compartment installed communication system or walkie-talkies has insignificant economic impact.

In the case of maintenance personnel: the aircraft type training for maintenance personnel includes the operation of flight crew compartment installed communication system; the aircraft type rating is endorsed in the individual's licence. No economic impact is expected with regard to aircraft type-rated maintenance personnel.

The specific task-trained maintenance personnel who do not hold the particular aircraft type rating would require such training with insignificant economic impact.

In the case of aerodrome ground operations personnel, the use of walkie-talkies is common; the training in the installed flight crew compartment communication system via radio frequencies would be required, with insignificant economic impact.

No economic impact is expected in the case of utilising the qualified personnel, other than the flight crew members, required to man the aircraft in case of fuelling operations when passengers are embarking, on board or disembarking.

The option for a qualified person is sufficiently flexible and the regulatory requirement can be estimated cost-efficient.

Environmental impact

No environmental impact has been identified.

Proportionality

Not applicable.

Impact on regulatory coordination and harmonisation

Not applicable.

## **2.5. Overview of the proposed amendments**

### **2.5.1 Incapacitation and replacement of SCCM**

The main concerns have already been addressed in CRD 2012-12. A minor editorial modification has been made in the proposed ORO.CC.200(e) for consistency with the drafting of ORO.CC.200.

This Opinion includes:

- (a) the amended paragraph ORO.CC.200(e) of Regulation (EU) No 965/2012; and
- (b) the replacement of the term 'senior cabin crew member' with the acronym 'SCCM' in Regulation (EU) No 965/2012.

The AMC and GM are included in the amendment to ED Decision 2012/017/R.

### **2.5.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members**

This Opinion contains the proposal as published in NPA 2012-12 and in CRD 2012-12 since there were no concerns raised on the proposed text.

This Opinion includes:

- (a) a new paragraph *CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew*; and
- (b) the amended paragraph *CAT.OP.MPA.200 Refuelling/defuelling* containing all the requirements on fuelling operations in one paragraph, contrary to the previously two separate paragraphs.

The AMC and GM are included in the amendment to ED Decision 2012/018/R.

Done at Cologne, on 30 September 2013.

*(signed)*

P. KY

Executive Director

### **3. References**

#### **3.1. Affected regulations**

- Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1)

#### **3.2. Affected decisions**

- ED Decision 2012/017/R on Acceptable Means of Compliance and Guidance Material to Part-ORO (OPS — Annex III),
- ED Decision 2012/018/R on Acceptable Means of Compliance and Guidance Material to Part-CAT (OPS — Annex IV).

#### **3.3. Reference documents**

- NPA 2012-12,
- CRD 2012-12,
- EASA Safety analysis report for RMT.0327/0328 based on data retrieved from EASA copy of ICAO ADREP data base,
- JAA NPA-OPS 62,
- EASA Rulemaking Proposal Form of 4 May 2007.