

Report N° IFTSS/2015/003/FR on the notification by The Republic of France on 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 of 11 December 2015, the Republic of France notified the European Commission and the Agency of its intention to deviate from CS FTL.1.200 (a), on the basis of article 22(2) of Regulation (EC) 216/2008<sup>1</sup> (the Basic Regulation).

In the notification the French competent authority (hereafter DSAC) explains its intention to approve an individual flight time specification scheme for Air France (hereafter the operator), deviating from the certification specification provision requiring to assign a single airport location as the home base to demonstrate compliance with ORO.FTL.200.

DSAC quotes the operator's proposed measures as follows:

*(a) The home base is a single airport location. By exception, for Air France, the Paris home base consists of the Paris-Charles de Gaulle (CDG) and the Paris-Orly (ORY) airports. The home base is assigned with a high degree of permanence.*

*The risk analysis given in this document has allowed us to demonstrate a safety level equivalent to the CS FTL.1.200 with the following mitigation measures, which Air France will implement for the Paris home base:*

1. *Medium-haul cockpit crew members can notify an ill-favoured airport by choosing the option "Vols hors base: indésirable". For those living close to one airport and far from the other, Air France shall guarantee that :*
  - *they will get no more than 3 flights per month at the ill-favoured airport*
  - *a recurrent extended recovery rest is provided between two rotations starting at the ill-favoured airport*
  - *a minimum rest period at home base (ORO.FTL.235 (a)(1)) before and after a rotation starting at the ill-favoured airport at least as long as the previous duty period or 13 hours whichever is greater*
2. *Long-haul cockpit crew members stating "Pas de rotation Orly" option will get full satisfaction with no rotation starting at Orly airport*
3. *Medium-haul cabin crew members who do not specify the choice "Indifferent base" have an ill-favoured airport. For them, Air France shall guarantee that:*
  - *No more than one single rotation per month scheduled at the ill-favoured airport*

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<sup>1</sup> 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.

- a recurrent extended recovery rest is provided before this single rotation
  - the minimum rest period at home base (ORO.FTL.235 (a)(1)) after this rotation is at least as long as the previous duty period or 13 hours whichever is greater
4. Long-haul cabin crew members who do not state the choice "Indifferent base" have an ill-favoured airport. For them, Air France shall guarantee:
- At least 3 local nights of rest at home base before a rotation starting at the ill-favoured airport
  - A minimum rest period at home base (ORO.FTL.235 (a)(1)) after this rotation at least as long as the previous duty period or 13 hours whichever is greater

## B) LEGAL FRAMEWORK

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

*"With regard to flight time limitation:*

- (a) 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;*
- (b) 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;*
- (c) 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;*
- (d) 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;*
- (e) 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);*
- (f) 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 deviations refer to CS FTL.1.200(a), which reads:

*"(a) The home base is a single airport location assigned with a high degree of permanence."*



## C) EVALUATION

The Agency reviewed the proposal with the help of a panel of experts<sup>2</sup>. The experts were provided in advance with the documents submitted by DSAC and the Agency's comments to the documents submitted by DSAC. The experts were invited to comment on the operator's proposal, DSAC's assessment of the operator's proposal and on the Agency's comments. Documents and comments were discussed during a WebEx meeting on 21 January 2016.

The following remarks result from the examination of the documents submitted by DSAC to support the proposed deviation:

- The 90-minute limit for travelling time in GM1 CS FTL.1.200 is a recommendation to individual crew members and not a target for desirable travelling time.
- The systematically increased rest time around departures from the ill-favoured reporting point is an effective measure to protect an 8-hour sleep opportunity before and after reporting for an FDP at the ill-favoured airport.
- Crew members with a declared domicile usually requiring more than 90 minutes travelling to both airports are responsible for making arrangements for temporary accommodation to be appropriately rested when reporting.
- Offering crew quarters at both airports is an effective measure to support crew members to appropriately discharge their responsibility to report fully rested.
- A potentially increased awake time originating from potentially increased travelling time when reporting at the ill-favoured airport is only relevant for flight duty periods (FDPs) without in-flight rest or a break on the ground (split duty).
- For FDPs with in-flight rest or a break on the ground the sleep opportunity during the FDP should sufficiently mitigate potentially excessive total awake time at the end of the FDP.
- The proposed system does not mitigate the potentially increased awake time originating from potentially increased travelling time for departures from the ill-favoured airport.
- The operator has convincingly established that the average travelling between CDG and ORY is 42 minutes.
- The risk emanating from an increased awake time due to additional travelling for a crew member when reporting at the ill-favoured airport may be effectively mitigated by reducing the maximum FDP for that crew member when reporting for an FDP at the ill-favoured airport by the average amount of travelling between CDG and ORY.
- The FDP limits of ORO.FTL.205 (d) (extended FDP without in-flight rest) may be used as a baseline to apply such reduction. The requirement to limit the use of the FDP limits of ORO.FTL.205 (d) to twice in 7 consecutive days becomes irrelevant because crew members may not report more than once between two extended recovery rest periods for an FDP at the ill-favoured airport.

## D) CONCLUSION

Having reviewed the deviation notified by The Republic of France, the Agency sees no reason to consider that the proposed measures do not lead to an equivalent level of protection to that attained

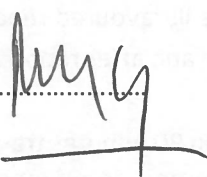
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<sup>2</sup> Panel composition IFTSS 2015/003/FR published on Circabc

by the application of CS FTL-1, provided the following additional mitigating measure is included in the operator's individual flight time specification scheme:

- The maximum FDP for a crew member reporting at the ill-favoured airport for an FDP without in-flight rest or without a break on the ground (split duty) shall be planned to be 42 minutes below the maximum limits established in accordance with ORO.FTL.205(d).

Furthermore, the Agency recommends including safety performance indicators in the operator's fatigue risk management (FRM) that measure the impact on fatigue resulting from performing FDPs when reporting at the ill-favoured airport.

Signed on .....  28/01/16

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