

# EASA conclusions following the consultation on the proposed Certification Memo and Safety Information Bulletin on minimum cabin crew for twin-aisle aeroplanes

## 1 Introduction

The Agency has developed and circulated for comments a draft Certification Memo and a draft Safety Information Bulletin in order to clarify the intent of the requirements in Regulation (EU) No 965/2012 related to the minimum number of cabin crew required when performing commercial air transport operations<sup>1</sup>. This paper describes the underlying issue and the conclusions of the Agency.

## 2 Background

The issue at stake has evolved as follows:

- Until October 2014: EU-OPS 1.990(b)(2) allowed operators to determine the required number of cabin crew for their cabin configurations by reducing the number identified for the maximum passenger seating capacity of the aeroplane type by 1 for each multiple of 50 seats not installed. This provision did not take into account any certification-related safety aspect.
- June 2011: the Agency did not transpose, in its Opinion 04/2011, the provisions of EU-OPS 1.990 (b)(2) in the draft text of the upcoming ORO.CC.100 requirement, as they were considered not compatible with the Essential Requirements<sup>2</sup> introduced by the revised EASA Basic Regulation.
- October 2011: when adopting the Opinion, the European Commission agreed to reintroduce a similar allowance in ORO.CC.100 (b)(2) as in EU-OPS 1.990 (b)(2), limited to old aircraft for which certification data was not available, and tasked EASA to develop a Guidance Material (GM) to facilitate a common understanding and a harmonised implementation of the rule.
- October 2014: having received several queries, the Agency issued the Safety Information Bulletin (SIB) 2014-29 to clarify the intent of the rule and the certification aspects to be considered. Operators' associations disagreed with the information provided in the SIB. The Agency agreed to review the SIB and to develop a Certification Memo to clarify its views.
- September 2015: a revised SIB and a Certification Memo (CM) were developed and circulated for consultation during six weeks<sup>3</sup>, for all stakeholders to have the opportunity to comment.

## 3 Outcome of the consultation

The Agency received comments from three EU Authorities, four operators' associations, two cabin crew associations and one non-EU aircraft manufacturer, which can be summarised as follows:

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<sup>1</sup> Part-ORO, ORO.CC.100.

<sup>2</sup> Regulation (EC) No 216/2008, Annex IV, ER 7.a: "The number and composition of the crew must be determined taking into account [...] the certification limitations of the aircraft, including if applicable, the relevant emergency evacuation demonstration; the aircraft configuration; and the type and duration of operations".

<sup>3</sup> Both documents were circulated on 17 September 2015; the commenting period ended on 28 October 2015.

- Authorities expressed no opposition, while suggesting to improve clarity of specific provisions.
- Operators' associations strongly objected to the SIB and the CM, as they considered that they were introducing a requirement for every floor-level exit on twin-aisle aeroplanes to be supervised by a cabin crew member, without evidence of a safety case. They also considered that this would have a huge economic impact on operators, and that the lack of harmonisation with other regulatory systems placed EU operators at economic and operational disadvantage. Hence, they requested that any change to the former EU-OPS requirements be subject to a new rulemaking procedure, with proper assessment of the safety aspects and economic impacts.
- Cabin crew associations supported the SIB and CM based on safety considerations, including results from studies and on-going discussions within ICAO, and recommended further regulation to better mitigate the safety risk and to ensure harmonised implementation.
- The aircraft manufacturer recommended that the intent of the CM to ensure that every floor-level exit on twin-aisle aeroplanes is supervised by a cabin crew member, should be covered by operational requirements, rather than by certification policies.

#### 4 EASA conclusions

The comments received indicate that the changes to the ORO.CC.100 requirements which took place at the end of the regulatory process resulted in a potentially ambiguous formulation. The associated GM was issued to clarify the issue at stake in line with the objective pursued in the EASA Opinion, but GM cannot be enforced as a binding interpretation.

The ORO.CC.100 requirements differ from the FAA requirements (e.g. FAR 125.269), which only require 1 cabin crew for every 50 (or fraction of 50) seats installed. This lack of harmonisation needs to be addressed in order to ensure a level playing field. It is also acknowledged that the lack of easily available cabin crew data, as assumed during certification and applicable to a specific cabin configuration, makes it difficult for operators to comply with the intent of the rule.

Operators may therefore apply the provisions of ORO.CC.100 (b)(2) if no number of cabin crew has been recorded in the certification approval documentation for their specific passenger cabin configuration(s). When determining a minimum number of cabin crew in accordance with ORO.CC.100 (b)(2), operators should take into account the elements listed in AMC1 ORO.CC.100.

From now on, the Agency will ensure that the number of cabin crew used to demonstrate compliance to the certification evacuation regulation (JAR or CS 25.803) will be recorded in the document supporting any approval provided by EASA. This number may be that established and accepted by EASA during the aeroplane's type certification process, or a lower number subject to acceptance of an additional demonstration of compliance with the JAR or CS 25.803 requirements.

SIB 2014-29 will be withdrawn, and the draft SIB 2015-xxx circulated for comments will not be published.

The proposed Certification Memo CM-CS-008 Issue 01 will be rewritten to ensure the minimum number of cabin crew used to demonstrate compliance with JAR or CS 25.803 is recorded.

The Agency will actively engage with the FAA in order to harmonise the respective views and ensure a level playing field. This may require in the future a revision of ORO.CC.100 and CS-25.