European Union Aviation Safety Agency

# FAQ n.47598

## FAQs:

ORO.FTL, Part-ORO, Air Operations, Regulations

## Question:

**Commander's discretion ORO.FTL.205(f): When should commander's discretion be used?**

## Answer:

Commander's discretion may be used to modify the limits on the maximum daily FDP (basic or with extension due to in-flight rest), duty and rest periods in the case of unforeseen circumstances in flight operations beyond the operator's control, which start at or after the reporting time.

Considering the ICAO definition of 'unexpected conditions', unforeseen circumstances in flight operations for the purpose of ORO.FTL.205(f) are events that could not reasonably have been predicted and accommodated, such as adverse weather, equipment malfunction or air traffic delay, which may result in necessary on-the-day operational adjustments.

Commanders cannot be expected to exercise discretion without an understanding of the events that constitute unforeseen circumstances. It is therefore necessary that they receive appropriate training on the use of commander's discretion along with how to recognize the symptoms of fatigue and to evaluate the risks associated with their own mental and physical state and that of the whole crew.
Operators should ensure that sufficient margins are included in schedule design so that commanders are not expected to exercise discretion as a matter of routine

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## Link:

https://www.easa.europa.eu/en/faq/47598