



European Aviation Safety Agency

**MINUTES OF MEETING**

Subject FCL &amp; OPS Thematic Advisory Group (TAG) Meeting 1/2014

Date 03 April 2014

Organised by EASA Rulemaking Directorate

**03 April 2014  
FCL & OPS TAG Meeting**

<b>Attendees</b>	<b>Members</b>	
	Franz Graser	Austria
	Ole B. Lynggaard	Denmark
	Irina Petrova	European Commission
	Frantz Chout	France
	Dirk Sajonz	Germany
	Maurice O'Connor	Ireland
	Tom Egil Herredsvela	Norway
	Vicentiu Dinu	Romania
	Vanda Orfanusova	Slovak Republic
	José Luis Lozano Lozano	Spain
	Jonas Gavelin	Sweden
	Cliff Whittaker	United Kingdom
	<b>Observers and Further Participants/Alternates</b>	
	Jurica Filipovic	Croatia
	Jan Thell	Sweden
	Louis Teodoro	France
	Donal Cotter	Ireland
	Mads Eklund	Denmark
	<b>EASA</b>	
	Jean-Marc Cluzeau	EASA
	Matthias Borgmeier	EASA
	Daniela Defossar	EASA
Giulio De Crescenzo (in part)	EASA	
Daniel Coutelier (in part)	EASA	
Betty Lecouturier (in part)	EASA	
Cristina Prata	EASA	
<b>Apologies</b>		
Pall Palsson	Iceland	
Marco Silanos	Italy	
Leonard Boer	The Netherlands	
Heinz Marti	Switzerland	

	<b>Topics for Discussion</b>
<b>01</b>	Welcome and introduction
<b>02</b>	Adoption of the Agenda Information Paper: Draft Agenda 10/03/2014
<b>03</b>	3.1 Adoption of the minutes of the previous meeting 3.2 Review of actions Working paper: Minutes – FCL OPS TAG 10 October 2013 (distributed as follow-up document)
<b>04</b>	<b>Highlights 4-year Rulemaking Programme (RMP)</b> 4.1 Progress update on on-going FCL & OPS rulemaking tasks from the Rulemaking Revised Programme (RMP) 2014-2017 Information Paper: Presentation (to be distributed as follow-up document)
<b>05</b>	<b>Technical issues</b> 5.1 Feedback on implementation of EASA rules  5.1.1 Derogations/deviations under Art. 14(6) and Art. 22(2) Reg. (EC) No 216/2008 from the implementing rules of Reg. (EU) No 83/2014 on Flight Time Limitations or certification specification CS FTL.1  <ul style="list-style-type: none"> <li>• Handling of applications for individual flight time specification schemes: <b>WP#01/14</b></li> <li>• Cooperation with MS on the continuous review of the effectiveness of the provisions concerning flight and duty time limitations and rest requirements introduced by Reg. 83/2014 the scientific study;</li> </ul> 5.1.2 Examiner Briefing Rule Change  5.2 Technical FCL & OPS issues and examples 5.3 Regular update on ICAO activities Working Paper WP#01/14: Approval of individual flight time specifications schemes under Art. 14.6 and Art. 22.2 of Regulation 216/2008 (document distributed prior to the meeting)
<b>06</b>	<b>AOB</b> 6.1 Review of current action items 6.2 Planning of future meetings

	<b>Topics for Discussion</b>
<b>01</b>	Welcome and introduction
<p>The meeting started shortly after 09:30 and the Chair welcomed the attendees.</p> <p>Before discussing the Agenda of the meeting, the Chair informed FCL &amp; OPS TAG about the on-going internal Agency's reorganisation project. He explained that the project has started 1<sup>st</sup> January 2014 and will end 1<sup>st</sup> September 2014, being comprised of two separate phases: the development phase, which already ended on 31<sup>st</sup> March and which will be followed by the</p>	

implementation phase, after the proposal for the reorganisation will be endorsed by the EASA Management Board via written procedure at the beginning of April.

The main changes that the reorganisation will bring, are the following:

1. Standardisation and Rulemaking Directorates will merge into one single Directorate. This will simplify stakeholder's interface with the Agency, allowing them to have on single entry focal point in the Agency for each specific domain.

The positive result is that feedback with MS and industry will be much simpler and the internal accountability for a specific domain much clearer.

2. A new Directorate will be created: the Strategy and Safety Management Directorate - to be responsible for all the planning and programming for the Agency at the high level and also for implementing a more data driven and risk based approach for all the domains.

United Kingdom asked whether in this new structure of the Agency is there foreseen a new unit/sub-structure addressing the General Aviation (GA) matters. The Chair replied that for the GA issues there is a special taskforce created, which runs as a parallel project to the reorganisation project. Also, further developments on GA should be communicated during the next week.

Denmark asked if there will be any impact on the EASA Standardisation visits to the MS for 2014 and the answer was negative.

There were no further comments.

Conclusion/Action:	N/A
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<b>02</b>	Adoption of the Agenda Information Paper: Draft Agenda 10/03/2014
<p>The Agenda was amended to include:</p> <ul style="list-style-type: none"> <li>- Under Point 5.2: Discussions on the Paper submitted prior to the meeting by FR: Agenda Item 5.2 – Working Paper TAG – 1 France ((document shared as print-out during the meeting and per email after the meeting));</li> <li>• under AOB, point 6.3 FSTDs qualified towards the European qualification requirements, proposed at the meeting by Spain.</li> </ul>	
Conclusion/Action:	The Agenda was adopted with the recommended items order and the additional proposed items.



<b>03</b>	3.1 Adoption of the minutes of the previous meeting 3.2 Review of actions Working paper: Minutes – FCL OPS TAG 10 October 2013 (distributed as follow-up document)
<p><b>3.1 Adoption of the minutes of the previous meeting</b></p> <p>The Minutes of the last Meeting (MoMs) were consulted page by page and the Chair asked for comments or amendments. There were no comments or amendments raised by the attendees.</p>	

### 3.2 Review of actions

The Actions items list was reviewed and amendments were made. The updated Action items list is at the end of this document.

Conclusion/Action:	The MoMs from the last meeting were adopted. The actions items list was updated. (see end of the document).
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**04**

Highlights 4-year Rulemaking Programme (RMP)  
4.1 Progress update on on-going FCL & OPS rulemaking tasks from the Rulemaking Revised Programme (RMP) 2014-2017  
Information Paper: Presentation (to be distributed as follow-up document)

#### 4.1 Progress update on on-going FCL & OPS related rulemaking tasks from the Rulemaking Programme (RMP) 2013-2016

Jean-Marc Cluzeau (EASA) gave a presentation on the update of the revised RMP 2014 - 2017. On the implementation of the Aircrew Regulation, he informed the group that the new Regulation EU (No) 245/2014 was entering into force on 03 April 2014 and is introducing new provisions for the new instrument ratings and "cost sharing" flights, and also for the extension of the opt-out for TC licence holders. Also the medical certificate format provisions have been moved to AMCs. The associated decisions are ED Decisions 2014/20-22.

Austria asked whether there is a need for the MS to send another notification letter regarding the opt-out for TC licence holders if they already did so previously, but, at that time, without specifying the dates or would only a confirmation letter suffice? The UK further emphasised that it is very important to know which of the MS have opted – out and which not in a case of an accident.

The Agency replied that the understanding so far was that a new notification would have to be sent but that this issue will be internally assessed by the Legal Department and the MS will be informed after the meeting. To be noted as an action item for the Agency.

On the 23 conversion reports sent by MS, it was clarified that these reports are assessed internally during regular meetings dedicated to this topic. Two or three reports are still to be received from the MS. 90% to 95% of the reports received are accurate and complete. When the assessment is finalised, the Agency sends an acknowledgement letter to the respective MS.

Regarding the AltMOCs received, not all of them are compliant to the rule. The Agency will send acknowledgement letters for all AltMOCs received and assessed, specifying if they are in compliance or not. The letters are under preparation.

Denmark asked if these AltMOCs will be also published on the Agency's website. Matthias Borgmeier clarified that the AltMOCs have a different status than the Art. 14 notifications. For the Art. 14 notifications, it was decided that six positive Art. 14(6) notifications and the recommendations of the Agency will be published soon on the EASA website (one from Sweden and five from the UK). He added that an AltMoC webpage has been established already. The

question of publication is still under review.

France asked what should a MS do in case it would discover an AltMOC that is not compliant with the rule. Should this be notified to EASA right away or the authority should await for the next Standardisation visit?

Jean-Marc Cluzeau clarified that the new Standardisation Regulation allows EASA to raise off-site findings, therefore the new standardisation process will be used to solve also the issue of the non-compliant AltMOCs.

On the implementation of the Air OPS Regulation, FCL & OPS TAG was informed about the adoption of the SPO new Regulation and its upcoming publication on the 24<sup>th</sup> of April.

On the new FTL Regulation, published on 31<sup>st</sup> January 2014, the Chair informed about the 2 years transition period and the opt-out provision on specific items which need to be notified, such as the in-flight rest facilities - which would give operators more time to adapt their cabins.

The group was further informed on the publication of the OSD regulation, ED Decision on PEDs and briefed on the relevant outcome from the EASA Committee meeting in January 2014. Also, the main deliverables (ToRs, NPAs, CRDs, Decisions and Opinions) published during October 2013 – April 2014 were quickly revised by the Chair.

A short clarification on the revision of the RMP 2014 – 2017 during the autumn – winter 2013 was also provided.

On the implementation support activities, the past and upcoming events and workshops were reviewed.

Matthias Borgmeier explained that the dedicated workshop on the non-complex ATOs, planned for mid-May, will focus , together with the GA sector and the MS, in identifying the problems for the lower end (ATOs for LAPL, PPL; SPL and BPL) of the facilities to become ATOs and in assessing how to develop material to support the schools. The invitation to the workshop will be sent very soon. The group asked to include this as an action item for the Agency.

On the ECQB status, Matthias Borgmeier explained that all Management Board members have endorsed the Agency's proposal. A group of MS experts will be set up with the objectives to update the old database and to validate the new questions to be developed by external experts. The Agency will develop a platform which will allow the MS to download the questions and which will ease the process for developing and validating the questions. In order to facilitate the development of new questions, a call of interest for the experts has been already launched on the EASA website.

Two MS already indicated their availability to support the Agency. The other MS were also encouraged to commonly contribute and nominate their experts, Matthias Borgmeier further said.

The first updated version of the full database should be available in January 2015.

On the work with the FAA on BASA, Matthias Borgmeier informed that the technical issues are planned to be finalised by May, when the political discussions are planned to start. The Agreement is planned to be in place by the end of the year.

Austria asked whether the FAA – EASA Safety Conference will take place this year. Jean – Marc

Cluzeau replied that the conference is planned to take place during 17 – 19 June in Washington and the preliminary preparations have already started.	
Conclusion/Action:	<p><b>2014-01-01</b> Agency to clarify the extended opt-out period provided by new Regulation (EU) No 245/2014 in its article 1(3) referring to Article 12(4) of Regulation (EU) No 1178/2011 and replacing Article 12(4), by allowing Member States to decide not to apply the provisions of the regulation to pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft until 8 April 2015.</p> <p><b>2014-01-02</b> Agency to inform MS on the upcoming ATO and joint TAG –SSCC events organised by the Flight Standards Department and planned to take place in May, respectively June</p>
<b>05</b>	<p>Technical issues</p> <p>5.1 Feedback on implementation of EASA rules</p> <p>5.1.1 Derogations/deviations under Art. 14(6) and Art. 22(2) Reg. (EC) No 216/2008 from the implementing rules of Reg. (EU) No 83/2014 on Flight Time Limitations or certification specification CS FTL.1</p> <ul style="list-style-type: none"> <li>• Handling of applications for individual flight time specification schemes: <b>WP#01/14</b></li> <li>• Cooperation with MS on the continuous review of the effectiveness of the provisions concerning flight and duty time limitations and rest requirements introduced by Reg. 83/2014 the scientific study;</li> </ul> <p>5.1.2 Examiner Briefing Rule Change</p> <p>5.2 Technical FCL &amp; OPS issues and examples</p> <ul style="list-style-type: none"> <li>• Paper submitted prior to the meeting by FR: Agenda Item 5.2 - Working paper TAG-1_FRANCE</li> </ul> <p>5.3 Regular update on ICAO activities</p> <p>Working Paper WP#01/14: Approval of individual flight time specifications schemes under Art. 14.6 and Art. 22.2 of Regulation 216/2008 (document distributed prior to the meeting)</p>
<p><b>5.1 Feedback on implementation of EASA rules</b></p> <p><b>5.1.1 Derogations/deviations under Art. 14(6) and Art. 22(2) Reg. (EC) No 216/2008 from the implementing rules of Reg. (EU) No 83/2014 on Flight Time Limitations or certification specification CS FTL.1</b></p> <ul style="list-style-type: none"> <li>• Handling of applications for individual flight time specification schemes: <b>WP#01/14</b></li> <li>• Cooperation with MS on the continuous review of the effectiveness of the provisions concerning flight and duty time limitations and rest requirements introduced by Reg. 83/2014 the scientific study;</li> </ul>	
Jean-Marc Cluzeau briefed the TAG attendees on Special TAG meeting on FTL, which took place	

on 19 February at EASA and the discussions on the interpretation of the rule text. Daniel Coutelier and Betty Lecouturier- Focal Points from EASA on FTL matters – also attended this part of the meeting and provided answers to attendees' questions.

The **WP #01/14**, distributed to the TAG members and observers prior to the meeting, was revised and discussed by the group. MS asked for some clarifications and gave feedback on the paper. The attendees generally agreed that it is a very good paper and FCL & OPS TAG will provide written feedback to the paper by 18 April 2014. To be noted as an action item for the MS.

Art. 22(2) of the Basic Regulation (BR) was also reviewed and clarifications Agency's task on the assessment of provisions derogating from applicable implementing rules or deviating from the applicable certification specifications proposed by the Agency were given.

Jean-Marc informed that the Agency intends to draw the expertise from the MS and the industry and to set up a a panel of experts. Questions on the composition of the panel were raised:

- UK asked if the membership is planned to change periodically. The reply was that a right balance between stability and flexibility will be sought, as the number of nomination is expected to be bigger as the foreseen number of experts for the panel.
- UK asked if union representatives will be included. The answer was that the main criteria is to be an expert and they could represent flight and cabin crew associations.
- Germany asked who will have the liability in case of a an accident. The clarification provided was that in the end, in such cases, there will a ruling in court.
- Denmark asked if it is foreseen to have in the panel composition also medical evaluators. The Agency replied that there are medical experts in house and that medical support would be needed on the operational aspects.

Further on, Jean – Marc Cluzeau informed the group on the Agency's obligation to conduct a scientific study and invited the MS to come with proposals and to support the Agency. Involvement from the MS is needed and very much appreciated. Also proposals on how costly this study might be are very appreciated. To be noted as an action item for the MS.

The group agreed to come back to EASA with a proposal of possible means to contribute and support the scientific study on FTL. To be noted as an action item for the MS.

### **5.1.2 Examiner Briefing Rule Change**

On this topic, Matthias Borgmeier informed that there were received many complaints from the industry on the briefing and the pre-notification required when the licensing authority of the candidate is different than the authority of the examiner. As a result the rule was changed in the following aspects: the briefing and the pre-notification to be deleted, Member States to provide certain information for examiners to be published by the Agency. This was addressed in the new Reg. (EU) No 245/2014.

The first Examiner Difference Document was also published by the Agency on 02 April 2014.

Giulio de Crescenzo also added that also two different taskforces from the Standardisation were created: one to work on inspector qualifications and one on examiners – practical observations. The Focal Points are Kerry Booth and Giulio de Crescenzo. MS are invited to nominate experts and to contribute.

It was further said that if there are specific issues related to the Examiner Differences Document, other than those already stated, these issues could be tackled after the joint TAG – SSCC meeting planned for mid- June. The MS are requested to notify the Agency on these issues prior to the joint TAG - SSCC meeting.

## **5.2 Technical FCL & OPS issues and examples**

The Chair gave the floor to the TAG Members and Observers to raise their issues and provide feedback or exchange ideas on the implementation of EASA rules.

- Paper submitted prior to the meeting by FR: Agenda Item 5.2 - Working paper TAG 1\_FRANCE

The Paper addressed by France to the Agency was discussed and Daniela Defossar clarified that the rule text might not be very clear and a certain interpretation might need to be prepared. She advised that the request is being internally assessed and that the Agency will provide a written answer to the issues raised by France, as a follow-up document to the meeting. To be included as an action item for the Agency.

- ECQB

Matthias Borgmeier invited the MS to nominate experts for one SNE position to permanently support EASA on the ECQB.

- For ATOs providing commercial training - to which continuous airworthiness rules need to comply?

Croatia raised the question on the continuous airworthiness requirements applicable for ATOs and asked which regulation should apply for a commercial ATO activity.

It was clarified that the Aircrew Regulation does not make a difference in Part-ORA on the commercial or non-commercial aspect. If the ATO activity will be categorised as commercial (definition of the Basic Regulation), all other rules on the commercial aspects are applicable – including maintenance requirements.

FCL & OPS TAG members were asked to check the existing EASA list of points of contact on FTL matters and to provide feedback and amendments to the list, in case there are any changes. It was agreed to be included as an action item for the Agency to share the existing list and for the MS to provide feedback. The list was shared on 08 April 2014.

## **5.3 Regular update on ICAO activities**

Daniela Defossar gave a presentation on the update of the ICAO activities in the OPS domain. Please refer to the presentation shared via email on 08 April.

Conclusion/Action:	<p><b>2014-01-03</b> MS to send feedback on the Working Paper on FTL, (distributed per e-mail prior to the TAG Meeting of 03 April 2014) by 17 April 2014</p> <p><b>2014-01-04</b> MS to send proposals to the Agency of possible means to contribute and support the scientific study on FTL by 02 May 2014</p> <p><b>2014-01-05</b> Agency to reply in written to the questions submitted by FR prior to the meeting</p> <p><b>2014-01-06</b> Agency to share the existing list of FTL experts with the MS and MS to notify in case there are any changes</p>
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<b>06</b>	<p><b>AOB</b></p> <p>6.1 Review of current action items</p> <p>6.2 Planning of future meetings</p>
<p><b>6.1 Review of current actions items</b></p> <p>The current actions items were reviewed and agreed by the group. They are reflected at the end of this document.</p>	
<p><b>6.2 Planning of future meetings</b></p> <p>The next date for the next FCL &amp; OPS TAG meeting is planned for 03 September 2014 at the EASA Headquarters, Meeting Room 04.49.</p> <p>Further information will be shared with the group as soon as it will be available.</p>	
<p><b>6.3 FSTDs not qualified towards the European qualification requirements, proposed by ES</b></p> <p>Spain asked for clarifications on the question of the use of FSTDs not qualified according the European qualifications requirements. It was raised if in cases where no FSTD is available in Europe, a non-European qualified FSTDs could be used. The additional question was raised if this issue could be tackled via a derogation.</p> <p>It was clarified that such an issue could be solved by an Art. 14(4) notification to EASA. In this case the exemption has to be applied, respectively notified, on each occasion a training/recurrent training would take place.</p> <p>The meeting closed before 16:00.</p>	
Conclusion/Action:	N/A

<b>Prepared by</b>	Cristina Prata
<b>Reviewed by</b>	Jean-Marc Cluzeau and Flight Standards Department Section Managers

<b>Schedule of the next meeting</b>	<b>Date: 03 September, EASA Headquarters, Meeting Room 04.49</b>
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<b>Action table</b>					
<b>Action</b>	<b>What</b>	<b>Who</b>	<b>When</b>	<b>Status</b>	<b>Comments</b>
2012-01-01	Update on Circa's AGNA website access	Agency	Prior to Next Meeting	C	<p>The Agency is currently deciding on the IT platform to use (main candidates are CIRCA and YAMMER). A working group composed by some RAG and some SSCC members will be testing the new platform before it will be officially implemented.</p> <p>Oct. 2013 status: on-going, still open.</p> <p><b>April 2014 status: closed.</b></p>
2012-01-04	Operations specialists to consider whether an Operations Partnership Group should be formed	Member States	Prior to Next Meeting	C	<p>MS should send to EASA possible topics to be discussed at an OPS meeting.</p> <p>Oct. 2013 status: awaiting MS and Industry feedback.</p> <p>Next Standardization meeting planned for 04 Dec.2013</p> <p>Thematic workshops: assessment of SMSs</p> <p>Conclusion: on-going, still open</p> <p><b>September 2014 status: closed.</b></p>
2012-01-06	Prepare List of Status of compliance with ICAO SARPS	Agency	t.b.d.	C	<p>EASA is currently working with European National Continuous Monitoring Coordinators to establish guidance material on how to complete ICAO Compliance Checklists.</p> <p>The task has been made difficult because ICAO guidance on what constitutes a difference is lacking and there are differences of opinion.</p> <p>Anyway, we have fairly clear guidance for the Compliance Checklists and a few EASA Departments will be completing these over the coming months. Once</p>

<b>Action table</b>					
<b>Action</b>	<b>What</b>	<b>Who</b>	<b>When</b>	<b>Status</b>	<b>Comments</b>
					<p>completed, MSs NCMCs will be consulted.</p> <p>Oct. 2013 status: ICAO to provide a definition on what constitutes a difference.</p> <p>A SL in July, feedback provided. Process led by ICAO too long for EASA.</p> <p>At the EASA level: policy should be ready by Oct.2014</p> <p>Conclusion: on-going.</p> <p>September 2014 status: ongoing. Document (FCL+MED) to be ready around June 2014, one of the priorities.</p> <p>OPS: Tables to be consulted with MS around mid of 2014 (for CAT)</p>
2013-02-01	Agency to share the GA Paper with TAG for feedback.	Agency	tbd	C	<p>Closed.</p> <p>April 2014 status: closed.</p>
2013-02-02	FCL & OPS TAG to provide comments to the GA Paper by 15 November	Member States	15 November 2013	C	<p>Closed.</p> <p>April 2014 status: closed.</p>
2014-01-01	Agency to clarify the extended opt-out period provided by new Regulation (EU) No 245/2014 in its article 1(3) referring to Article 12(4) of Regulation (EU) No 1178/2011 and replacing Article 12(4), by allowing Member States to decide not to apply the provisions of the regulation to pilots holding a licence and associated medical certificate issued by a third country involved in the non- commercial operation of aircraft until 8 April 2015.	Agency	As follow-up action to the TAG meeting of 03 April 2014	C	<p>Closed.</p> <p>Agency's response (as shared by e-mail on 08 April 2014):</p> <p>The Agency further reviewed the issue and would like to confirm that Member States wishing to extend their opt-out to take advantage of the new date have to notify this to the Commission and the Agency. Taking into account that the date in 12(4) is a maximum – meaning that MS may choose to end their opt-out before that date – in the absence of a new notification their first</p>

<b>Action table</b>					
<b>Action</b>	<b>What</b>	<b>Who</b>	<b>When</b>	<b>Status</b>	<b>Comments</b>
					notification would still be valid, meaning, ending on the date indicated therein. Please take into account that the new notification still needs to comply with 12(7) which means that the related timing has to be indicated.
2014-01-02	Agency to inform MS on the upcoming ATO and joint TAG –SSCC events organised by the Flight Standards Department and planned to take place in May, respectively June	Agency	In due time, prior to the ATO meeting	C	<b>Closed.</b> Invitation shared via email on 08 April 2014.
2014-01-03	MS to send feedback on the Working Paper on FTL, (distributed per e-mail prior to the TAG Meeting of 03 April 2014)	Member States	Deadline: 17 April 2014	C	<b>Closed.</b> Deadline expired.
2014-01-04	MS to send proposals to the Agency of possible means to contribute and support the scientific study on FTL	Member States	Deadline: 02 May 2014	C	<b>Closed.</b> Deadline expired.
2014-01-05	Agency to reply in written to the questions submitted by FR prior to the meeting	Agency	As follow-up action to the TAG meeting of 03 April 2014	C	<b>Closed.</b> Two questions already replied.  The response for the FC issues still require further in-house coordination. To be addressed during May 2014.
2014-01-06	Agency to share the existing list of FTL experts with the MS and MS to notify in case there are any changes	Agency and Member States	Prior to the next meeting	C	<b>Closed.</b> The Agency shared the existing list of experts via email on 08 April 2014. Some feedback from the MS was already received.