



Explanatory Note to Decision 2014/003/R

AMC/GM to Annex III - Part-ORO (Amendment 3)

RELATED NPA/CRD 2010-14 — OPINION No 04/2012 — RMT.0322 (OPS.055) — 31.01.2014

EXECUTIVE SUMMARY

This Decision addresses Acceptable Means of Compliance (AMC) and Guidance Material (GM) related to flight and duty time limitations and rest requirements for air operators and crew members involved in commercial air transport by aeroplane other than emergency medical services (EMS), air taxi and single pilot operations.

This Decision adds AMC and GM for the new Subpart FTL to Part ORO.

Applicability		Process map	
Affected regulations and decisions:	AMC/GM to Part ORO	Terms of Reference:	20.11.2009
Affected stakeholders:	Air operators, crew members, NAAs	Concept Paper:	No
Driver/origin:	Regulation (EC) No 216/2008	Rulemaking group:	Yes
Reference:		RIA type:	Full
		Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	20.12.2010
		Duration of NPA consultation:	3 months
		Review group:	Yes
		Focussed consultation:	Yes
		Publication date of the Opinion:	2012/Q4
		Publication date of the Decision:	2014/Q1

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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 ED Decision 2014/003/R in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's [Rulemaking Programme for 2013-2016](#) under RMT.0322 (OPS.055). The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Decision has been developed by the Agency based on the input of the Rulemaking Group. All interested parties were consulted through NPA 2010-14³. More than 50.000 comments in total were received from interested parties, including industry, national aviation authorities and social partners.

The Agency has reviewed the comments received on the NPA. The comments received and the Agency's responses are presented in the Comment-Response Document (CRD) [2010-14](#).

The final text of this Decision with the Acceptable Means of Compliance (AMC)/Guidance Material (GM) has been developed by the Agency based on the input of RG055, the EASA Committee and a focussed consultation workshop. A draft of this [Decision](#) has been published alongside [Opinion 04/2012 Implementing Rules on Flight and Duty Time Limitations and rest requirements \(FTL\) for commercial air transport \(CAT\) with aeroplanes](#). The process map on the title page summarises the major milestones of this rulemaking activity.

1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the changes to the draft Decision following the input from the EASA committee and the focussed consultation workshop. The core technical content is described in the [Explanatory Note to Opinion 04/2012](#). Chapter 3 provides references. The text of the AMC/GM is annexed to the ED Decision.

¹ 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).

² 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 2012.

³ In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

2. Explanatory Note

This Decision provides the AMC/GM to Subpart FTL of Part ORO and corresponds to Commission Regulation (EU) No 83/2014⁴ laying down, among others, organisation requirements for air operations.

2.1. Overview of the issues to be addressed

A new Subpart FTL – flight and duty time limitations and rest requirements - of Part ORO contains the flight and duty time limitations and rest requirements to be met by an operator and its crew members. For the time being these requirements are only applicable to crew members taking part in commercial air transport by aeroplane (CAT) operations other than emergency medical services (EMS), air taxi and single pilot operations other than emergency medical services (EMS), air taxi and single pilot operations. This Decision adds AMC and GM for the new Subpart.

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 objectives of this proposal are, therefore, to maintain a high level of safety, to ensure proportionate rules where appropriate; and to warrant flexibility and efficiency for operators and authorities.

2.3. Overview of the changes to the draft Decision following the EASA Committee and focused consultation

The draft AMC/GM published alongside Opinion 04/2012 for information only had to be adapted to fit the finally adopted Implementing Rules (IR) of Subpart FTL. Following the recommendations of the EASA Committee and the input gathered through a focused consultation with stakeholders, the Agency included a number of additional AMC/GM. The changes are described in detail in paragraphs 2.3.1. to 2.3.19.

2.3.1 New GM1 ORO.FTL.105(1) Definitions – ACCLIMATISED

A new GM explains how the definition of acclimatised should be understood. The GM also indicates how the table 1 of ORO.FTL.205(b)(1) should be used.

2.3.2 New GM1 ORO.FTL.105(2) Definitions - REFERENCE TIME

A new GM gives an example and explains how the 'reference time' concept should be used.

⁴ Commission Regulation (EU) No 83/2014 of 29 January 2014 amending Regulation (EU) No 965/2012 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 28, 31.1.2014, p. 17).

2.3.3 New GM1 ORO.FTL.105(3) Definitions - ADEQUATE FURNITURE FOR 'ACCOMMODATION'

A new GM recommends a minimum standard for seats in crew member accommodation as defined in ORO.FTL.105(3). This minimum standard is defined in analogy to the definition of a 'class 2 rest facility' for in-flight rest.

2.3.4 New GM1 ORO.FTL.105(8) Definitions - DETERMINATION OF DISRUPTIVE SCHEDULES

A new GM explains which local time should be used to determine if an FDP should be counted as a 'disruptive schedule' for the purpose of ORO.FTL.235(e)(2).

2.3.5 New GM1 ORO.FTL.105(10) Definitions - ELEMENTS OF STANDBY FOR DUTY

A new GM points towards the IR and Certification Specification indicating which elements of standby should count as duty.

2.3.6 New GM1 ORO.FTL.105(17) Definitions - OPERATING CREW MEMBER

A new GM further explains the meaning of 'operating crew member' and how this should be understood in the context of in-flight rest and for the calculation of cumulative duty periods and flight times.

2.3.7 New GM1 ORO.FTL.110 Operator responsibilities – SCHEDULING

A new GM gives guidance on which aspects operators should take at least into consideration to produce a workable roster when they schedule their operation. The GM gives examples of undesirable rostering practices that could lead to excessive fatigue.

2.3.8 New AMC1 ORO.FTL.110(j) Operator responsibilities - OPERATIONAL ROBUSTNESS OF ROSTERS

A new AMC asks the operator to develop performance indicators to assess the operational robustness of its rostering system.

2.3.9 New GM1 ORO.FTL.110(j) Operator responsibilities - OPERATIONAL ROBUSTNESS OF ROSTERS

A new GM describes what the performance indicators for operational robustness should measure as a minimum.

2.3.10 New GM1 ORO.FTL.205(b)(1) Flight duty period (FDP) - REFERENCE TIME

A new GM explains how the 'reference time' concept should be used for the determination of the maximum daily FDP for acclimatised crew members using table 2 in ORO.FTL.205(b)(1).

2.3.11 New GM1 ORO.FTL.205(f)(1)(i) Flight Duty Period (FDP) - COMMANDER'S DISCRETION

A new GM clarifies that commander's discretion should be applied to the *basic* maximum daily FDP as defined in ORO.FTL.205(b)(1) and not to the extended FDP under the provisions of ORO.FTL.205(d).

2.3.12 New GM1 ORO.FTL.230(a) Reserve - ROSTERING OF RESERVE

A new GM explains that a rostered reserve period, not resulting in an assignment of any duty may not retrospectively be considered as part of a recurrent recovery rest period.

2.3.13 New GM1 ORO.FTL.235(a)(2) Rest periods - MINIMUM REST PERIOD AT HOME BASE IF SUITABLE ACCOMMODATION IS PROVIDED

A new GM explains the conditions under which an operator may apply the minimum rest away from home base during a rest period at a crew member's home base in a so-called 'back-to-back' operation.

3. References

3.1. Related regulations

Commission Regulation (EU) No 965/2012⁵.

3.2. Affected decisions

ED Decision 2012/017/R of 24 October 2012.

3.3. Reference documents

Annex III - Part ORO of Commission Regulation (EU) No 965/2012.

⁵ Regulation (EU) No 965/2012 of the European Commission 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), as last amended by Commission Regulation (EU) Commission Regulation (EU) No 83/2014, (OJ L 28, 31.1.2014, p. 17).