



**COMMENT RESPONSE DOCUMENT (CRD)  
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2008-22c & 2009-02c**

**for an Agency Opinion on a Commission Regulation establishing the Implementing Rules for organisations in the field of air operations and personnel requirements**

**and**

**a draft Decision of the Executive Director of the European Aviation Safety Agency on  
Acceptable Means of Compliance and Guidance Material  
related to the Implementing Rules for organisations in the field of air operations and  
personnel requirements**

*“Organisation Requirements”*

**CRD c.1 – Comments received on Part-OR**

**I. Comments received on NPA 2008-22c****(General Comments)**

-

comment 114

comment by: *The Lion Flying Group Ltd*

There are many Registered Facilities in the UK, of which my company is one who for many years have safely and efficiently been offering training for the PPL.

I have been a pilot for 50 years, an instructor for 28 years and an examiner for 9 years. For the last 25 years I have run a very small Registered Facility with a maximum of two instructors and having gone through your proposed amendment (NPA No 200822c) several times and I find it the most over regulating & draconian proposal of legislation that I have ever read.

The people running Registered Facilities in the UK are already complying with most of the proposed regulations (OR.GEN 210 a – e, OR GEN 215 a & b OR GEN 220 a b c OR.ATO 120 a 1 2 3) without having the enormous burden of extra costs that this proposal will bring, and possible closure of businesses.

We are already complying with local councils and aerodrome management on fire risks, exits, extinguishers etc and you wish to overburden us with a Safety Management System. (OR GEN 200 a & b).

Facilities are already available for own comfort and well being while working, we do not need to be told to share these with the students.

If the student does not think that we are up to the task they will vote with their feet and money and go elsewhere.

It gives me the opinion that the common sense is no longer allowed to prevail and that you think that we, as professionals are not capable of thinking for ourselves.

This is a backward step, many small businesses in an industry already struggling to cope with the rising price of aviation fuel, insurance, rents etc will not be able to afford the costs for these proposed changes.

Please think again.

Mrs Jose McVicar

comment 119

comment by: *AOPA-Sweden*

Attachment [#1](#)

Enclosed comments on NPA 2008 - 22 c by AOPA - Sweden through Fredrik Brandel

comment 167

comment by: *DGAC FRANCE*

The general structure proposed in not conform to the definition given in NPA22A. The section GEN is applicable to all domains. It is therefore necessary to avoid requirements in part GEN concerning a specific domain (ATO or OPS as shown into brackets).

These requirements shall therefore be removed to specific part

it should be useful to include in the appropriate subpart to these domains a

requirement for which the AMC could be linked.

This contradiction between generic OR and specific AMC to these generic OR confirms that the structure proposed in NPA 22 is not adequate. In addition, we note that only 4 pages are actually generic. Some provisions of that generic requirements are repeated in the specific part - for that reason, the added value of the OR GEN is not evident. The repetition of these 4 pages in the different domains is a preferred option.

Modification :

**AMC OR.GEN.030 Changes to the organisation's approval**

**AMC OR.GEN.035. Continued validity OPS**

To include in AMC to Subpart OPS.

**~~AMC2.OR.GEN.200.(a).(7) – Management System - ATO~~**

~~2. ATO should monitor compliance with the training and operations manuals they have designated to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:~~

~~**AMC3.OR.GEN.200.(a).(7)**~~

~~**AMC4.OR.GEN.200.(a).(7)**~~

Respectively to replace by

**AMC2.OR.ATO.XXX**

**AMC3.OR.OPS.XXX**

**AMC4.OR.OPS.XXX**

**1) Add in Subpart OPS : « AMC OR.GEN.030 Changes to the organisation's approval » and AMC OR.GEN.035. Continued validity OPS.**

**2) Add in subpart ATO**

**OR.ATO.XXX – Compliance Monitoring Programme**

ATO shall monitor compliance with the training and operations manuals they have designated to ensure safe and efficient training. In doing so, they shall establish a compliance monitoring programme

**AMCX.OR.ATO.XXX – Compliance Monitoring Programme**

The compliance monitoring programme should, as a minimum, cover: [...] content of AMC2.OR.GEN.200(a).(7)-ATO – 2. a to d .

**OR.OPS.XXX – Compliance Monitoring Programme**

OPS shall monitor compliance with operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, they shall establish a compliance monitoring programme.

**AMCX.OR.OPS.XXX – Compliance Monitoring Programme**

The compliance monitoring programme should, as a minimum, cover: [...] : content of AMC3.OR.GEN.200(a).(7)-OPS – 2. a to p .

comment

199

comment by: DGAC FRANCE

**General comment**

In France, flight tests are considered as distinct operations. According to EASA, flight testing must comply with basic regulation, which is common with all the air operations. Consequently, qualifications and approvals for flight testing are to be considered as additional requirements.

Therefore, we propose to create an additional organisation (AFTTO, Approved Flight Test Training Organisation) specialized in flight test training.

Remarks:

1. This proposal takes shape by creating a new subpart which describes AFTTO requirements.
2. AMCs and GMs to PART-OR subpart AFTTO has to be defined.

comment 207

comment by: *William JD TOLLETT*

I think it is unnecessary to have all flight training organisations subject to the requirements for Approved Training Organisations (ATOs).

In the UK for many years it has simply been necessary for training organisations at the PPL level to register with the national aviation authority. A requirement for approval would add extra expense and delay to the business-like operation of PPL flight training without enhancing safety or business efficiency.

comment 365

comment by: *Egon Schmaus*

General information:

Commenter is the deputy head of training of the Baden-Württembergischer Luftfahrtverband . Thus, he is a leisure-time head of training of about 850 flight instructors, all active in their leisure time.

The (BWLTV) is the association of the about 200 aviation clubs in the state Baden Württemberg in the south west of Germany. About 160 of these clubs instruct on aeroplanes, sailplanes, micro lights, balloons and parachutes.

The quite high number of clubs which are partially quite small are spread widely across the country and therefore most people interested in flying can find a club close by giving access to flying at very low cost. This is especially important so that also young people still at school interested in aviation have the possibility to start flying. This offering is only possible because all functions are executed by volunteers.

A big portion of general aviation activity is happening in the context of these clubs. Here pilots are under close observation and exchange lots of information. Aircraft belong to all members and are often not insured against loss. This leads to a quite rigid control between the members. This infrastructure therefore contributes a lot to the safety in aviation.

It is important to maintain this infrastructure and make sure it is supported by the regulations. This importance is also emphasized in the „*An Agenda for Sustainable Future in General and Business Aviation COM(2007) 869*“.

comment 386

comment by: *KLM Engineering & Maintenance*

NPA 2008-22C.

Please find attached the KLM Engineering & Maintenance comments on NPA 2008-22C. It is complementary to the KLM Operator comment which will also be inputted in the CRT Tool. We decided to draft separate Engineering & Maintenance comments since maintenance organizations are not adressed in this NPA but will be impacted by the new regulations. So there is no formal

basis for reactions from a maintenance organisation perspective but we do have questions which we expressed in our comment.

General:

Although KLM E&M can, generally speaking, understand the intent of NPA 2008-22C and the rationale behind the move towards a consolidated regulation structure, we believe the NPA is deficient because it does not at the same cover any maintenance related activities, both within and outside EU 27+4.

Maintenance related activities will almost certainly be impacted by the new regulation structure, but since rulemaking texts in this field are presently lacking we believe it unfair that there is nothing tangible to base our comments upon. We believe it would have been more appropriate to obtain agreement on a complete new regulation structure and subsequently to embed all aviation activities into this structure, all at the same time.

Since we have no insight into the consequences for Part 145, 147, 21, 66 and M, we currently cannot agree to the new regulation structure and the concept of certification as presented under NPA 2008-22.

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard", we feel there is a need to create one.
- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR, or if such a function does not exist, would it rest with the accountable manager for the complete organisation?
- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here? Should this not be part of Compliance Monitoring? We need a proper definition.
- SMS: the Safety Manager. Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group? Or, if there still is an accountable manager for the Part 145, then we assume we will be able to arrange these activities under the Part 145 approval.
- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE? In other words: what will the new document structure be?
- "Compliance monitoring" as opposed to Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Assurance.

comment

656

comment by: *Fridrich Jan*

I think that proposed changes in the present NPA were not what the light aviation community asked for. We asked for a stand-alone European or even Global LSA category (covering all basic four areas of aviation activity - Initial airworthiness, Maintenance, Licensing and Operations), compatible with LSA category in the United States. That is why it is politically necessary to establish a balanced set of simple regulations, which will be acceptable to their users in different Member states, without detrimental effects on flight safety.

At the same time the Annex II must be protected until this new proposed system will prove that it can be as successful as the Annex II system.

On the other hand, no bureaucratic regulation should be introduced for the sake of harmonisation/standardisation without a serious justification through a proper RIA process.

Unfortunately RIA process presented in this NPA 2008-22a cannot be considered as proper from the point of view of Sport and Recreational Aviation. This is mainly because no relevant data from our sector of aviation were used.

**Proposal:**

I did provide comments in this NPA because I hope that this will allow EASA to understand that the proposals in this NPA 2008-22 are not suitable for the Sports and Recreational Aviation.

I think that in this present form NPA 2008-22 is disproportional and not fit in sports and recreational aviation training environment and it should be discharged for Sports and Recreational Aviation.

There is a serious risk that the successful light aviation (represented by the modern microlights) will be killed by the present proposals.

I would welcome to work with EASA to develop a revised approach to this rulemaking task that will take into consideration the needs of the Sports and Recreational Aviation community.

Therefore I will not place further comments, because it does not make sense, the whole document must be reworked for Sport and Recreational community!

comment

757

comment by: *ALSIM Simulateurs*

Implementation of a Mutual acceptance process and/or a Type Qualification for lower level devices including FNPTs

We believe, for the sake of common sense and to ensure simplification, that a type of a simulator, having already been qualified by one Authority, should give rise to implicit qualification for subsequent units, specially for lower level of devices.

Then, We strongly suggest that a mutual acceptance and/or a Type Qualification be implemented for FNPTs, such as already exists for aircraft. In effect, when a simulator has already undergone one JAA-EASA qualification, its qualification procedure in another JAA-EASA counterpart should only involve a compliance check between the FNPT serial number and the Type Certification document. This provision exists in United States, without any adverse effect on the quality of training, for the Advanced Aviation Training Device (AATD=equivalent to FNPT in Europe) where qualifications are carried out by the "General Aviation & Commercial Division" under AC n°61-136 regulation. It is clearly stated that "the approval will be valid for all serial numbers that are

*part of that configuration, provided there is no change in that configuration or in a value for a criterion in paragraph 8" [AC 61-136 issued the 14th of July 2008, Appendix 2, paragraph 3].*

While the EASA has the willing to harmonise the regulation, some National Aviation Authorities keep on claiming that they are required under local and European rules for FSTD qualification. They clearly want to take advantage of the lack of provision for approval of a type or for mutual acceptance in European regulatory process to reinforce their position. This is not acceptable for both operators and the industry world.

**Then the provision in AMC to AR.ATO.210 for BITDs stating that " the qualification should be valid for all serial numbers of this model without further technical evaluation" should be extended to FNPT devices.**

comment 758

comment by: ALSIM Simulateurs

Distinction between FSTD qualification and ATO qualification

The FSTD qualification should be issued independently of any management system approval. A double qualification should be given, one for the FSTD and another for the management system. This would avoid some confusion when it is not clear if revoking an FSTD qualification is due to FSTD non compliance or ATO non compliance. This confusing would not exist at any time if an FSTD Type Certification was possible (see remark about : "Implementation of a Mutual acceptance process and/or a Type Qualification for lower level devices including FNPTs").

comment 759

comment by: ALSIM Simulateurs

Distinction between higher level simulators and lower level devices

A distinction between higher level simulators and lower level devices (FNPT & BITD) should be made in terms of requirements. In United States, the distinction is clearly made using two different regulations: the Full Flight Simulator qualifications are carried out by the "National Simulator Program Staff" under Part. 60 regulation whereas the Advanced Aviation Training Device (equivalent to FNPT) qualifications are carried out by the "General Aviation & Commercial Division" under AC n°61-136 regulation.

Regarding the AATDs, the regulation is far less restrictive and far more pragmatic in terms of requirements. In the same way, we suggest that a distinctive approach be made in Europe between FFSs and FNPTs. This distinction may be similar to the one made between the commercial and general aviation regarding the aircraft maintenance (refer to the discussion process with the EASA MD032 working group).

comment 760

comment by: ALSIM Simulateurs

Relaxing of Validation data and Validation Tests substantiation for FNPT & BITD

The Validation Data and Validation Tests substantiation should be in a more relax form compared to what is required for bigger simulators.

**Validation Data:** An acceptable mean to substantiate the objective tests would be to subjectively check the FNPT device with a qualified pilot, and determine whether or not the FNPT device is relevant of the aircraft or class of aircraft simulated. Hence subjective assessment from both the operator and

the manufacturer could be accepted as Validation Data, as it is under FAA regulation for AATDs (see paragraph 1-2).

**Validation Test:** The current regulation requires for FNPTs no more than 45 objective tests. It is huge compared to the FAA regulation for AATDs [AC 61-136 issued the 14th of July 2008], where no objective test at all is required for qualification process. We think that a compromise could be found between 0 and 45. For example, there are only 19 objective validation tests required for FNPTs under Canada regulation.

comment

761

comment by: *ALSIM Simulateurs*

#### Pragmatic approach

A strict application of the pragmatic approach of what a qualification process is (as specified in the current regulation) is urgently required: "*The Civil Aviation Authorities of certain European countries have agreed (...) aviation requirements (...) with a view to **minimizing Type Certification** problems or joint ventures, **to facilitate the export and import of aviation products** (...) in one European country to be accepted by the Civil Aviation Authority in another European country (...)*" [First paragraph of the foreword of the JAR-FSTD(A)].

The use of the phrase "*Unacceptable*" for serious defect, which holds up qualification and prevents operators from using their operational equipment, must be regarded as a serious issue and therefore used in a restrained and extremely well-targeted manner.

comment

762

comment by: *ALSIM Simulateurs*

#### Creation of a supervisory Authority with appeal procedure

In cases where an Operator or a Manufacturer does not completely agree with some remarks, are the Manufacturer and/or the Operator allowed to put forward their point of view? If the answer is no, this would imply that they have no room for manoeuvre. Is this truly within the spirit of the regulations? Finally, in the event of any disagreement, which is the legitimate Authority capable of taking decisions in an objective manner?

If an identified serious defect is subject to be challenged, an appeal process should be possible with independent competent expert or third EASA member state Authority before downgrading or revoking the qualification level. In the interim, an FSTD temporary certificate shall be released unless a duly legitimate serious defect induces a clearly identified negative training.

We therefore request that a supervisory Authority be able to carry out the role of coordinator and moderator, in order to harmonise the rules and to defend the interests of Operators and Manufacturers objectively in the event of a disagreement with a NAA. We would like this role be provided during the interim phase between the dissolution of the JAAs and the actual publication of the new Part FSTD by the EASA in 2010.

comment

763

comment by: *ALSIM Simulateurs*

#### Reformatting of the EASA part FSTD

The reformatting from JAR-FSTD(A) to EASA regulation has resulted in a too much voluminous document. It is quite difficult to link the parts AR and OR with the part CS-FSTD.

comment 764 comment by: *ALSIM Simulateurs*

All our comments (both general and specific) are supported by a lot of Operators:

UCO AVIACION, Spain  
 STAPLEFORD FLIGHT CENTRE, UK  
 OATC, Portugal  
 AEROTEC ESCULA DE PILOTOS, Spain  
 SILVAIR, Poland  
 PROFESSIONAL AIR TRAINING, UK  
 DUTCH FLIGHT ACADEMY, The Netherlands  
 AVIATOR FLIGHT CENTER, Cyprus  
 43 AIR SCHOOL, South Africa  
 AUNIS AIR EUROPE, France  
 MIDEAST AVIATION ACADEMY, Jordan  
 DONAU-AIR-SERVICE, Germany  
 AVIATION TRAINING & TRANSPORT CENTER, Germany  
 I.S.Aer.S., Italy  
 AERODYNAMICS, Spain  
 EGNATIA AVIATION, Greece  
 MET-AIR, Turkey  
 AYJET, Turkey  
 MARTINAIR FLIGHT ACADEMY, The Netherlands  
 CRM EUROPE, UK  
 TAYSIDE AVIATION, UK  
 TURKISH AERONAUTICAL ASSOCIATION, Turkey  
 AERO PYRENNEES, France  
 ESMA AVIATION ACADEMY, France  
 STELLA AVIATION, The Netherlands  
 CABAIR, UK

comment 765 comment by: *Norwegian Air Sports Federation*

In our opinion the wording used in this NPA does NOT express the exact intensions of EASA. In such cases is difficult for us to guess what the EASA intension is. If the wording of any item is changed to clarify the EASA intension, we might want to make new comments on the new wording at a later stage

comment 790 comment by: *AEA*

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated.

Generally, the NPA tries to address both the "single-privilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

comment 791 comment by: *AEA*

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL.

NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

All comment periods should be aligned and sufficient time should be left in order to :

- Familiarize with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating
- Ask questions to EASA as many parts raise questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

More time and a cooperative way of working are needed to produce a good regulation.

comment 792

comment by: AEA

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard" , we feel there is a need to create one.
- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?
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- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE? In other words: what will the new document structure be?
- "Compliance monitoring" as opposed to Quality Management and Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Management and Quality Assurance

- SMS is intended to go "beyond compliance"; therefore the Quality Manager should not be called and seen as Compliance Manager as this would limit his scope. Compliance clearly is only a subdivision / one

element of Quality.

QM may "not become a Postholder" as this would limit his freedom to think outside of the box.

comment

838

comment by: *Fédération Française Aéronautique*

**FFA comments to NPA 2008-22c**

**The "Fédération Française Aéronautique", FFA,** represents some 580 powered flying aero-clubs or associations in France and 45,000 private pilots. Almost all those aero-clubs offer flight training to their members up to VFR SEP PPL(A). The FFA is the national largest powered flying federation within the European Community.

comment

871

comment by: *DGAC FRANCE*

**Management system**

General :

The scope of the « management system » is hard to be understood. We understand that the purpose of this part is the « management of safety » ; it should be rewarded

For exemple :

OR.OPS 015. AOC

The « management system » mentioned in this § reflects the organisational structure of the operator and seems different from the «management system » of § OR.GEN.200 which is focusing on safety only.

comment

872

comment by: *DGAC FRANCE*

Comment Which type of operation this part is applicable to? commercial aviation ? Non commercial aviation/ non-complex aircraft? Non commercial aviation/ complex aircraft?

comment

875

comment by: *Frank Schweppe*

General comment concerning ballooning:

In 2008 the European Commission has passed a law declaring that non-motorized flight operations such as ballooning and gliding are no longer considered to be Commercial Air Transport, and competent authorities in member states have since been forbidden to supply new AOCs to operators of non-motorized aircraft such as balloons.

Thus, balloons are no longer involved in Commercial Air Transport. Period. Done. It has been decided and voted by the EC. Since autumn 2008 this is European LAW. (document: 2006/0130 (COD) , adapted text for D 2407/92 art. 1, part 2).

Most of the contents of this NPA clearly concerns training requirements for personnel involved in commercial air transport. Balloons no longer are part of this category, thus ballooning operations should not be included in this NPA at all, or in may of the articles clear exeptions should be made to allow for this

non-CAT status. For instance, balloon pilots do not carry ICAO-standardized professional licences (and the proposed EASA Balloon Pilot's Licence with limited commercial privileges and Class 2 medical to allow the carrying of passengers for hire is not a full professional licence or CPL), so one can not demand chief instructors or heads of instruction of any 'balloon school' to carry or have carried professional licences for any period of time. This would mean that one must be a professional FIXED WING pilot to be able to give instruction on balloons. Clearly that can not be the intent of this NPA.

comment 1113

comment by: *bmi REGIONAL*

bmi regional having reviewed the submission made by the Association of European Airlines (AEA) on NPA 2008-22c - (Organisation Requirements) fully support their comments and these should be adopted as the position of bmi regional.

comment 1143

comment by: *AEA*

**Relevant text:** General Comment

**Comment:** In case of commercial air transport, the manual requirements are rather confusing and do not provide legal certainty. We do not see any safety justification for EASA's proposal which is a fundamental departure from EU-OPS.

**Proposal:** realign with EU-OPS, focussing on an OM with 4 parts

comment 1145

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

Attachment [#2](#)

On one hand, FNAM fully recognizes the value added and quality of work delivered by EASA within the certification range (Article 5 of Basic Regulation 216/2008). FNAM will continue supporting the efforts of the Agency in this field.

On the other hand, operational aspects are rather a different issue, though contributing to the same aim of safety enforcement. For years, thousands of flights are daily operated demonstrating the efficiency of the current regulations (JAR-OPS, OPS-1/3 and EU-OPS) applicable for flight safety.

To that extend, FNAM highlights the issue raised by the Commission within COMMISSION OPINION on the final recommendations issued by the Management Board of the European Aviation Safety Agency following the external evaluation on the implementation of Regulation 216/2008, dated 05MAY09 (C2009-3220 final)

" Having this in mind, the Commission is concerned by the potential consequences of the provisions of the "Notice of proposed amendments" on air operations (OPS) recently published by the Agency. The Commission believes that it is of a paramount importance to guarantee that the implementing rules to be adopted in this field reproduce the existing relevant legislation (EU-OPS Regulation 3922/91[1]). This will ensure continuity and coherence with such legislation and therefore more certainty for the industry. It will also allow the Agency to immediately start carrying out the related standardisation inspections. All efforts should be deployed to avoid any delay in the adoption of the implementing rules."

FNAM performed a wide analysis of NPAs that EASA already published according to Basic Regulation 216/2008. First sights demonstrate that there are many major changes, new concepts and questions that are worth additional work and consultation:

- Proposed regulation is widely different from EU-OPS. Its content is not a simple transfer of EU-OPS while Basic Regulation 216/2008 states that "with regards to commercial transportation by aeroplane, [measures shall be] developed initially on the basis of the common technical requirements and administrative procedure specified in Annex III to Reg EEC 3922/91"(Article 8 §6.);
- The structure forbids any comparison or cross-analysis with the currently applicable regulation;
- The legal structure of NPAs (GM/AMC/CS) seems confusing especially regarding implementation processes and legal certainty. Some key safety elements have still not been published or downgraded to soft-law which may be counter-productive.

To that extend, FNAM asked for "globally extending delays related to these NPAs until end of summer 2010, to successfully face this great change, jointly with EASA." This request was formally applied to M. Kneepkens through a letter dated 28APR2009, referenced 13198 (enclosed). At the time this comment his made, FNAM has not received any answer from EASA. Consequently, FNAM renews this official request through the CRT process and awaits a circumstanced answered from EASA, as some other third-parties are known to have express similar requests.

For all these reasons, FNAM considers that it is not possible to comment the proposed regulation in its current state.

Nevertheless, FNAM has proposed to EASA to "to settle a common and constructive approach between the Agency, the NAAs and the industry. Such an approach shall identify and discuss the issues of the proposed regulation. It appears as a timely and efficient way to cope with these topics, theme by theme, instead of dealing with various standalone but interconnected NPAs. FNAM aims to be an active actor of this work to support Agency's achievement."

The comments hereafter SHALL BE considered as :

A identification of some of the major issues FNAM asks EASA to discuss with third-parties before any publication of the proposed regulation, consistently with, and prior to, the above common and constructive approach.

In consequence, the comments hereafter SHALL NOT BE considered :

As a recognition of the third-parties consultation process carried out by EASA

As an acceptance or an acknowledgement of the proposed regulation, as a whole or of any part of it

As complete : the fact some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent prevented FNAM to understand and comment them

As exhaustive : the fact some articles (or any part of them) are not commented does not mean FNAM has (or may have) comments about

them, neither FNAM accepts or acknowledges them

All the following comments are thus limited to our understanding of the effectively published proposed regulation, notwithstanding their consistency with any other pieces of regulation, including with the Basic Regulation 216/200, giving mandate from the Commission and Parliament to EASA.

[1] OJ L 373, 31.12.1991, p. 4.

comment

1176

comment by: *Danish Balloon Organisation*

**General Comments:**

This proposal is clearly based on regulations used for commercial organisations and not suited for sporting club activities.

The JAA regulations took this into consideration by allowing "Registered Facilities" (RF) to train for PPL licenses.

Training for SPL and BPL licenses has until now been based on national regulations very similar to the RF system

If this proposal is implemented as proposed, sporting clubs providing training for club members on a non-profit basis will no longer be able to do so.

The situation is very similar to the Part M proposal where commercial aviation procedures were forced upon our activities.

We are aware of the Basic Regulation requirement for "approved" training organisations but suggest that a "light approved training organisation" should be made possible under conditions very close to the RF system.

This "light approved training organisation" should be approved to train for LPL, SPL, BPL and PPL licenses with no limit to the number of instructors.

If this is not possible, we suggest the following 7 AMC revisions:

comment

1196

comment by: *French gov - DGA - FRENCH FLIGHT TEST CENTER*

**GENERAL COMMENTS :**

In France, flight tests are considered as distinct operations.

According to EASA, flight testing must comply with basic regulation, which is common with all the air operations.

Consequently, qualifications and approvals for flight testing are to be considered as additional requirements.

Therefore, FRENCH FLIGHT TEST CENTER propose to create an additional organisation (**AFTTO**, Approved Flight Test Training Organisation) specialized in flight test training.

Remarks:

1.This proposal takes shape by creating a new subpart which describes AFTTO requirements.

2.AMCs and GMs to PART-OR subpart AFTTO has to be defined.

**Creation of Subpart AFTTO :**

*This subpart has to be inserted in the NPA 22 just after "Subpart ATO".*

SUBPART AFTTO – approved flight test training organisations

## OR.AFTTO.005 Scope

This Subpart establishes the additional requirements to be met by an organisation to qualify for the issue or continuation of an approval to provide flight test training for pilots.

## OR.AFTTO.010 Legal entity and financial resources

(a) An AFTTO shall be an organisation or part of an organisation registered as a legal entity.

(b) An AFTTO shall demonstrate to the competent authority that sufficient financial resources are available to conduct flight test training to the approved standards.

## OR.AFTTO.015 Application

(a) Applicants for an initial approval shall provide the competent authority with:

(1) the following information:

(i) name and address of the organisation;

(ii) date of intended commencement of operations;

(iii) personal details and qualifications of the flight instructors;

(iv) name and address of the aerodromes from which the training is to be conducted, and the name of the aerodrome operator;

(v) list of category of aircraft to be used for training,

(vi) description of the training that the organisation wishes to provide, and the corresponding theoretical knowledge and flight instruction syllabi.

(2) the flight test operational manual.

(b) In the case of a change to the approval, applicants shall provide the competent authority with the relevant parts of the documentation or manuals referred to in (a).

*Comment: For flight test purpose, specify the category of aircraft is sufficient to comply with the need of flight test training. For example : rather than introducing in the list of aircraft "Falcon 20 F-WGAD", "Twin jet-engines 10tons class" is sufficient*

## OR.AFTTO.110 Personnel requirements

(a) A Head of Training (HT) shall be nominated. The HT's responsibilities shall include ensuring that the training provided is in compliance with Part-FCL and Part 21 requirements. The head of training must have extensive experience in the flight test activity as a test pilot in the relevant flight test category.

(b) The ground instructors shall have appropriate knowledge and experience in aviation and flight testing in particular.

(c) The flight test rating instructors shall hold the qualification required by Part-FCL and Part 21 and have experience in the flight test category for which they are demonstrating or monitoring any specific type of flight tests.

*Comment: "Flight test rating instructor" is defined in comments on NPA 17 (PART FCL).*

## OR.AFTTO.120 Record keeping

(a) The following records shall be kept for a period of at least 5 years:

(1) details of ground, flying, and simulated flight training given to individual students;

(2) detailed and regular progress reports from instructors including assessments, and regular progress flight tests and ground examinations; and

(3) information of the qualifications of the students, including the expiry dates of medical certificates and ratings.

(b) The training records shall include a written report by the student for any flight performed including, where applicable, data processing and analysis of recorded parameters relevant to the type of flight testing.

## OR.AFTTO.125 Training programme

A training programme shall be developed for each type of course offered.

## OR.AFTTO.130 Training aircraft and FSTDs

An AFTTO shall have access to a fleet of aircraft or FSTDs containing an adequate number of aircraft and appropriately fitted with flight testing instrumentation.

OR.AFTTO.135 Aerodromes

An AFTTO shall use aerodromes or operating sites that have the appropriate facilities and characteristics to allow training of the manoeuvres relevant, taking into account the training provided and the category and type of aircraft used.

OR.AFTTO.140 Prerequisites for training

An AFTTO shall ensure that the students meet all the prerequisites for training established in Part-FCL and Part 21.

OR.AFTTO.210 personnel requirements

(a) Head of Training (HT). The nominated HT shall:

- (1) have overall responsibility for ensuring satisfactory integration of flying training, synthetic flight training and theoretical knowledge instruction, and for supervising the progress of individual students; and
- (2) have extensive experience in flight test activity.

(b) Chief Flying Instructor (CFI). The AFTTO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI have extensive experience in flight test training.

(c) Chief Ground Instructor (CGI). The AFTTO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

OR. AFTTO.225 Training programme

(a) The training programme shall include a breakdown of flying and theoretical knowledge instruction, a list of standard exercises and a syllabus summary.

(b) The content and sequence of the training programme shall be specified in the training manual.

OR. AFTTO.230 Training manual and operations manual

(a) An ATO shall establish and maintain a training manual containing information and instructions to enable staff to perform their duties and to give guidance to students on how to comply with course requirements.

(b) An ATO shall make available to staff and, where appropriate, to students the information contained in the training manual, the operations manual and the training organisation's approval documentation.

(c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with.

(d) The operations manual is described in Part 21 (FTOM)

**Additional AMC to subpart GEN :**

*Those additional AMC are supposed to be included in the text.*

AMC3 (bis) OR.GEN.200(a)(7) Management System - AFTTO

COMPLIANCE MONITORING PROGRAMME – AFTTO

1. Typical subject areas for compliance monitoring inspections for AFTTOs should be :

- a. Facilities;
- b. Actual flight and ground training;
- c. Technical Standards.

2. AFTTOs should monitor compliance with the training and operations manuals they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- a. Training procedures;

- b. Flight Safety;
- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- d. Aircraft Maintenance/Operations interface.

AMC2 to OR.GEN.200(b) Management System AFTTO  
 SIZE, NATURE AND COMPLEXITY OF THE ACTIVITY – AFTTO

1. Small approved training organisations should have a management system that is appropriate to the size of the organisation and complexity of the activity.
2. For this purpose, AFTTO that employ 20 or less instructors should be regarded as a “small organisation”.
3. AFTTO employing more than 20 instructors should be regarded as an “other organisation”.
4. In determining complexity, the following factors should be considered among others:
  - a. number of aircraft types used for training;
  - b. range of training courses offered;
  - c. geographical spread of training activities (e.g. the use of satellites); and
  - d. range of training arrangements with other AFTTO or ATO.

AMC 3 to OR.GEN.215 Facilities – AFTTO

1. The following flight operations accommodation should be available:
  - a. An operations room with facilities to control flying operations;
  - b. A flight planning room with the following facilities:
    - i appropriate current maps and charts;
    - ii current AIS information;
    - iii current meteorological information;
    - iv communications to ATC and the operations room;
    - v. any other flight safety related material.
  - c. Adequate briefing rooms/cubicles of sufficient size and number.
  - d. Suitable offices for the supervisory staff and room(s) to allow flying instructors to write reports on students, complete records, etc.
  - e. Furnished crewroom(s) for instructors and students.
2. The following facilities for theoretical knowledge instruction should be available:
  - a. Adequate classroom accommodation for the current student population.
  - b. Suitable demonstration equipment to support the theoretical knowledge instruction.
  - c. A reference library containing publications giving coverage of the syllabus.
  - d. Offices for the instructional staff.

**Additional AMC to subpart AFTTO :**

*This subpart has to be inserted in the NPA 22 just after AMC to Subpart ATO.*

SUBPART AFTTO – approved flight test training organisations

AMC to OR.AFTTO.010(b) Legal entity and financial resources

*Same contents than AMC to OR.ATO.010(b)*

AMC to OR. AFTTO.015 Application

*Same contents than AMC to OR.ATO.015 except for #11 : “description of aircraft”.*

*In an AFTTO, the number, class or type of aircraft to be used during the course are defined at the beginning but registration and equipment are not known.*

AMC 1 to OR. AFTTO.125 Training programme

*Same contents than AMC to OR.ATO.125*

AMC 2 to OR. AFTTO.125 Training programme – flight test courses - aeroplanes

*Training programmes are already described in CEV's comments on NPA 17. This items are mandatory. They could be completed by others exercises in accordance with customers, to comply with the number of flight hours.*

**1. FIXED WING (CS 25, CS23 jets and Commuters) **CONDITION 1****

- Bachelor of Science (Pilots) Master of Science (Engineers)
- 1200 flight hours including 400 as a captain, current CPL IR
- duration of the course : 10 months
- 60 flights including 15 solo flights – 100 flight hours – 5 flight test reports
- 10 different aircraft used
- 400 hours of ground lectures

The theoretical training includes theoretical exams : Aerodynamic, Handling Qualities, Engines, Measurements and Flight Test Instrumentation.

Flight Test Techniques and in-flight training :

- Performance : Stabilisation-Tower fly-by (Flight test report)
- Performance :Climb twin engine
- Performance : Take Off Turboprop OEI
- Performance : Take Off Turbofan OEI
- Engine : Turboprop limitation and relight envelope
- Engine : Turbofan limitation and relight envelope
- Handling Qualities : HQR and Flight controls characteristics
- Handling Qualities : Longitudinal Handling Qualities
- Handling Qualities s : Longitudinal manoeuvre stability
- Handling Qualities : Take-Off twin turboprop
- Handling Qualities : Take-Off twin turbofan
- Handling Qualities : Lateral-Directional Handling Qualities
- Handling Qualities : Handling Qualities Evaluation (Flight test report)
- Handling Qualities : Variable stability demo flights
- Handling Qualities : Stalls (Flight test report)
- Handling Qualities : Spins
- Handling Qualities : VMCA
- Miscellaneous : High speed certification test
- Systems: Glass cockpit evaluation (Flight test report)
- Systems : EGPWS
- Systems : TCAS
- Final Evaluation Exercise (Flight test report)
- Final in-flight test

**2. FIXED WING (CS 25, CS23 jets and Commuters) **CONDITION 2****

- Bachelor of Science (Pilots) Master of Science (Engineers)
- 1200 flight hours including 400 as a captain, current CPL IR
- duration of the course : 5 months
- 35 flights including 8 solo flights – 50 flight hours – 3 flight test reports
- 7 different aircraft used
- 200 hours of ground lectures

The theoretical training includes theoretical exams: Aerodynamic, Handling Qualities, Engines, Measurements and Flight Test Instrumentation.

Flight Test Techniques and in-flight training :

- Performance : Stabilisation-Tower fly-by
- Performance : Climb twin engine (Flight test report)
- Performance : Take-Off twin turboprop
- Handling Qualities : Longitudinal Handling Qualities
- Handling Qualities : Lateral-Directional Handling Qualities
- Handling Qualities : Stalls
- Systems : Glass cockpit evaluation (Flight test report)
- Systems : Radionavigation instruments qualification and Integrated

Avionics

- Systems : EGPWS
- Systems : TCAS
- Final Evaluation Exercise (Flight test report)
- Final in-flight test

3. **LIGHT AIRCRAFT** (CS 23 excepted Jets and Commuters, CS 22)  
FLIGHT TEST COURSE – **CONDITION 1**

- Bachelor of Science (Pilots) Master of Science (Engineers)
- 1200 flight hours including 400 as a captain, current CPL IR
- duration of the course : 5 months
- 35 flights including 8 solo flights – 50 flight hours – 4 flight test reports
- 7 different aircraft used
- 200 hours of ground lectures

The theoretical training includes theoretical exams : Aerodynamic, Handling Qualities, Engines, Measurements and Flight Test Instrumentation.

Flight Test Techniques and in-flight training :

- Performance : Stabilisation-Tower fly-by (Flight test report)
- Performance :Climb
- Engine : Limitation and relight envelope
- Handling Qualities : HQR and Flight controls characteristics
- Handling Qualities : Longitudinal Handling Qualities
- Handling Qualities s : Longitudinal manoeuvre stability
- Handling Qualities : Lateral-Directional Handling Qualities
- Handling Qualities : Handling Qualities Evaluation (Flight test report)
- Handling Qualities : Stalls (Flight test report)
- Handling Qualities : Spins
- Miscellaneous : High speed certification test
- System s: Glass cockpit evaluation (Flight test report)
- Systems : TCAS
- Final Evaluation Exercise (Flight test report)
- Final in-flight test

4. **LIGHT AIRCRAFT** (CS 23 excepted Jets and Commuters, CS 22)  
FLIGHT TEST COURSE – **CONDITION 2**

- Bachelor of Science (Pilots) Master of Science (Engineers)
- 1200 flight hours including 400 as a captain, current CPL IR
- duration of the course : 2 months
- 15 flights – 20 flight hours – 2 flight test reports
- 3 different aircraft used
- 60 hours of ground lectures

The theoretical training includes theoretical exams : Aerodynamic, Handling Qualities, Engines, Measurements and Flight Test Instrumentation.

Flight Test Techniques and in-flight training :

- Performance :Climb (Flight test report)
- Handling Qualities : Longitudinal Handling Qualities
- Handling Qualities : Lateral-Directional Handling Qualities
- Handling Qualities : Stalls
- Handling Qualities : Spins
- System s: Glass cockpit evaluation (Flight test report)
- Final in-flight test

AMC 3 to OR. AFTTO.125 Training programme – flight test courses - helicopters

*Training programmes are already described in CEV's comments on NPA 17*

*This items are mandatory. They could be completed by others exercices in accordance with customers, to comply with the number of flight hours.*

1. HELICOPTERS (CS 27, CS 29) **CONDITION 1**

- Bachelor of Science (Pilots) Master of Science (Engineers)
- 1200 flight hours including 400 as a captain, current CPL IR
- duration of the course : 10 months
- 90 flights including 20 solo flights – 100 flight hours – 5 flight test reports
- 5 different aircraft used
- 400 hours of ground lectures

The theoretical training includes theoretical exams : Aerodynamic, Handling Qualities, Engines, Measurements and Flight Test Instrumentation.

Flight Test Techniques and in-flight training :

- Performance : Stabilisation
- Performance : Air speed calibration (Flight test report)
- Performance : Hovering
- Engine : Digital engine governing
- Engine : Free turbine engine evaluation
- Handling Qualities : Static stability
- Handling Qualities : Static stability
- Handling Qualities : Manœuvrability (Flight test report)
- Handling Qualities : Dynamic stability
- Handling Qualities : Maniability (Flight test report)
- Handling Qualities : ADS 33
- Handling Qualities : Tethering rotor assessment
- Handling Qualities : Rigid rotor assessment
- Systems : Navigation Management System
- Systems : Auto pilot
- Systems : Night Vision Goggles
- Systems : Glass cockpit evaluation (Flight test report)
- Miscellaneous : Height/Velocity envelope
- Miscellaneous : Category A clear area procedure
- Miscellaneous : Vibrations and rotor adjustments
- Miscellaneous : Autorotations
- Final Evaluation Exercise (Flight test report)
- Final in-flight test

## 2. HELICOPTERS (CS 27, CS 29) **CONDITION 2**

- Bachelor of Science (Pilots) Master of Science (Engineers)
- 1200 flight hours including 400 as a captain, current CPL IR
- duration of the course : 5 months
- 40 flights including 8 solo flights – 50 flight hours – 3 flight test reports
- 4 different aircraft used
- 200 hours of ground lectures

The theoretical training includes theoretical exams : Aerodynamic, Handling Qualities, Engines, Measurements and Flight Test Instrumentation.

Flight Test Techniques and in-flight training :

- Performance : Stabilisation
- Performance : Air speed calibration
- Performance : Hovering (Flight test report)
- Engine : Digital engine governing
- Engine : Free turbine
- Handling Qualities : Static and dynamic stability
- Systems : Glass cockpit evaluation (Flight test report)
- Systems : Autopilot
- Systems : Navigation Management System
- Miscellaneous : vibration and rotor adjustment
- Final Evaluation Exercise (Flight test report)
- Final in-flight test

comment 1215 comment by: Dassault Aviation

**GENERAL**

The DASSAULT AVIATION following comments aim at including in the Authority Requirements and Organization Requirements the need for audits related to Change Management, Change Notification and Standardization Processes.

Note

The Change Management process is a documented process using standardized methods and procedures that provides effective and immediate management of all changes to courseware, hardware, software, firmware, training content and documentation. This process of controlling changes ensures that :

any changes or proposed changes are accountable in each step of the change or revision process;  
a configuration control is maintained and all changes are traceable;  
the training program(s) are protected against improper modification of courseware, implementation and use.

Dassault considers that these topics should also be addressed in the requirements that will be developed for Training Organizations approval.

comment 1293 comment by: Virgin Atlantic Airways

It is very difficult to make comments on this part without having read all of the NPAs related to Ops & FCL.

NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

All comment periods should be aligned and sufficient time should be left in order to :

- Familiarize with this totally new structure.
- Read every part in detail and find all the links between the different subparts.
- Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating).
- Ask questions to EASA as many parts raise questions.
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

More time and a cooperative way of working are needed.

comment 1341 comment by: KLM

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated.

Generally, the NPA tries to address both the "single-privilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

comment 1343 comment by: KLM

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL.

NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

All comment periods should be aligned and sufficient time should be left in order to :

- Familiarize with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating
- Ask questions to EASA as many parts raise questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

More time and a cooperative way of working are needed to produce a good regulation.

comment 1346

comment by: KLM

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard" , we feel there is a need to create one.
- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?
- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here ? Should this not be part of Compliance Monitoring? We need a proper definition.
- SMS: the Safety Manager. Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group? Or , if there still is an accountable manager for the Part 145, then we assume we will be able to arrange these activities under the Part 145 approval.
- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE? In other words: what will the new document structure be?
- "Compliance monitoring" as opposed to Quality Management and Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Management and Quality Assurance
  - SMS is intended to go "beyond compliance"; therefore the Quality Manager should not be called and seen as Compliance Manager as this would limit his scope. Compliance clearly is only

a subdivision / one element of Quality.  
QM may "not become a postholder" as this would limit his freedom to think outside the box.

comment 1348

comment by: KLM

**Relevant text:** General Comment**Comment:** In case of commercial air transport, the manual requirements are rather confusing and do not provide legal certainty. We do not see any safety justification for EASA's proposal which is a fundamental departure from EU-OPS.**Proposal:** realign with EU-OPS, focussing on an OM with 4 parts

comment 1395

comment by: SAS

SAS complies with the comments made by AEA.

comment 1398

comment by: Deutsche Lufthansa AG

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated.

Generally, the NPA tries to address both the "single-privilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

comment 1400

comment by: Deutsche Lufthansa AG

It is quite difficult to make comments on this part without having read the whole NPAs related to OPS & FCL.

NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

**All comment periods should be aligned** and sufficient time should be left in order to :

- Familiarize with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating
- Ask questions to EASA as many parts raise questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

**More time and a cooperative way of working are needed to produce a good regulation.**

comment 1406

comment by: Deutsche Lufthansa AG

**Relevant text:** General Comment**Comment:** In case of commercial air transport, the manual requirements are rather confusing and do not provide legal certainty. We do not see any safety justification for EASA's proposal which is a fundamental departure from EU-OPS.

**Proposal:** realign with EU-OPS, focussing on an OM with 4 parts

comment 1567

comment by: *bmi*

Having reviewed the enclosed in detail, bmibaby (AOC GB.2244) concurs with the comments of the AEA.

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated.

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL.

NPA 2009-02 adds AMCs to these subparts which shows that every NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

All comment periods should be aligned and sufficient time should be left in order to :

- Familiarized with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA
- Ask questions to EASA as some parts raises questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

More time and a cooperative way of working are needed to produce a good regulation.

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard" , we feel there is a need to create one.
- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?
- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here ? Should this not be part of Compliance Monitoring? We need a proper definition.
- SMS: the Safety Manager. Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group? Or , if there still is an accountable manager for the Part 145, then we assume we will be able to arrange these activities under the Part 145 approval.
- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE? In other words: what will the new document structure be?
- "Compliance monitoring" as opposed to Quality Assurance. This NPA also

lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Assurance.

comment

1579

comment by: *BMVBS (MoT Germany)*

There is no need to rush into a bold venture Europe's aviation sector will later regret!

The quality of a regulatory amendment is highly dependent on the level of maturity of the draft as published for consultation. Ideally, the consultation process should help the Agency to perform mainly a fine tuning to optimize the final rule. The Notice of Proposed Amendment (NPA) No. 2008-22, however, is far from mature. It contains major conceptual mistakes, as it relies on an essentially flawed RIA. In consultation with the German aviation industry it has been assessed that the introduction of the proposed amendment would not only undermine aviation safety due to unclear or incomplete requirements, it would also erode the competitiveness of the European aviation industry at large. Some of the proposed authority requirements are considered illegal, as the basic regulation does not contain a mandate for the development of such detailed Authority Requirements which interfere with Member States' sovereignty.

The situation is considered extremely startling and the German government is increasingly concerned about these developments. We do not consider the proposed amendment suitable to support a process that would converge towards a consensus in the Committee phase of the regulatory procedure with scrutiny, and therefore would strongly advise EASA to re-consider the NPA as an "advanced" NPA that would be followed by a second round of consultation once a consensus on the conceptual approach has been reached. It is already clear at this stage, that this NPA will have to undergo substantial modification to an extent that would require a second round of consultation, if the principle of "better regulation" was to be respected.

In order to substantiate the statement that the RIA is essentially flawed and therefore inappropriate to justify the conceptual decisions taken an independent RIA has been performed by our aviation industry which can be found attached. The conclusions on the suitability and advantages of the GERT system (or even its "spirit") are utterly wrong. What is being presented as "readers oriented structure", thereby suggesting the notion of a customer friendly system is perceived by readers as big disarrangement. What could testify more to this fact than the necessity to use an "e-tool" to find the requirements applicable to a specific case in what looks like a confusing "pile" of requirements? To make it clear: The e-tool does not fix the problem! The fact that an e-tool search might in some cases produce incomplete or erroneous results can not be simply addressed by a disclaimer stating that the actual set of rules are relevant and not the search result. This constitutes in our view a major problem that can only be solved by complete restructuring of the whole set of rules. The structure of the set of regulations is not only illogical it has also been found wanting with respects to its numbering system. The numbering system of paragraphs as presented makes it extremely difficult to navigate through the set of regulations.

In our view the proposed amendment not only fails to achieve the objective to base the implementing rules as much as possible on existing JAA material, it

also fails to safeguard the highly important regulatory continuity, thereby creating incalculable risks for affected stakeholders potentially jeopardizing their very existence.

Against this background the Agency would be well advised to apply itself basic risk management principles with regard to the creation of any new regulatory concept based on regulation no. 216/2008. The way and extent in which the Agency is proposing fundamental and far reaching changes is staggering. Any fundamental conceptual change on the regulatory side must take into consideration that there is a real world out there, that has to be able and willing to adjust, otherwise the process will end in disarray.

Due to the extent and complexity of this rulemaking proposal the deadline of 28.05.09 was still insufficient to coordinate a complete response by the German MOT. The German Ministry of Transport therefore generally endorses and supports the comments brought forward by the Luftfahrt-Bundesamt and German aviation stakeholders whose comments could not be collated and reproduced in due time.

comment 1591 comment by: *Swiss International Airlines / Bruno Pfister*

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated. Generally, the NPA tries to address both the "singleprivilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

comment 1592 comment by: *Swiss International Airlines / Bruno Pfister*

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL. NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments. All comment periods should be aligned and sufficient time should be left in order to :

- Familiarize with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating)
- Ask questions to EASA as many parts raise questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency. More time and a cooperative way of working are needed to produce a good regulation.

comment 1594 comment by: *Swiss International Airlines / Bruno Pfister*

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be

difficult to make a

definition of "hazard" , we feel there is a need to create one.

- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?

- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here ? Should this not be part of Compliance Monitoring? We need a proper definition.

- SMS: the Safety Manager. Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group? Or , if there still is an accountable manager for the Part 145, then we assume we will be able to arrange these activities under the Part 145 approval.

- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE? In other words: what will the new document structure be?

- "Compliance monitoring" as opposed to Quality Management and Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Management and Quality Assurance

- SMS is intended to go "beyond compliance";

therefore the Quality Manager should not be called and seen as Compliance manager as this would limit his scope. Compliance clearly is only a subdivision / one element of Quality. QM may "not become a Postholder" as this would limit his freedom to think outside of the box.

comment

1621

comment by: *British Airways Safety & Security*

It is quite difficult to comment on NPA 2008-22 (all sections) in isolation from reviewing/commenting NPA 2009-02. It has not been possible, given the size of the NPAs to conduct these reviews together in the timescales provided by EASA, even though the comment periods have been extended, they do not correspond with each other.

We understand that there are some AMCs and/or GM in other NPAs (2009-02, but maybe others) that cross relate to items in NPA 2008-22. If this is the case, then this needs to be made clear in the NPA that is affected by such, especially given the binding nature of AMCs.

comment

1630

comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

**European Powered Flying Union, or EPFU**, is a recent European Union gathering national powered flying organisations of the following 10 countries : Austria, Denmark, Finland, France, Germany, Norway, Luxembourg, United Kingdom, Sweden, and Switzerland.

Like other European Unions, EPFU will act at all level to defend the powered flying as a private sports and recreational activity. Consequently, the EPFU is mainly involved in PPL(A) flight training and clubs operating non complex aeroplanes for private pilots.

EPFU comments are made in order to support general principles agreed by its members, leaving them to comment directly to EASA their own detailed opinions and remarks.

***Generally speaking, EPFU believes that the NPA 2008-22, in its all, can be considered as an "Advanced NPA", which needs more work, discussions and dialogue, as far as Small training organisations are concerned. The real situation of non commercial, non profit, Small training organisations, seems quite ignored, or not understood by European Authorities from European Commission and European Parliament, to EASA.***

comment

1690

comment by: *Danish Powerflying Union*

Danish Motor Flying Union (DMU) is a non-profit association representing 35 national aeroclubs.

We do not find the proposal of NPA 2008-22 suitable to organisations run by national aeroclubs. It is our opinion that the proposal is made exclusively for the commercial organisations.

Implementing the rules in present form will make it nearly impossible for a large numbers of organisations run by national aeroclubs to continue educational flight training for members. Training which is based on volunteers and on a non-profit basis. It will reduce the number of Private Pilot Licenses (PPL(A)) and decrease the sources of qualified aviation staff for commercial airlines. For many young European Citizens it will be far to expensive to join a commercial flight school to obtain a PPL (A).

A number of pilots build flight hours working as volunteer flight instructor in small aeroclubs and subsequently move to work in the airline industry.

The "Registered Facility" as we known under the JAA today works excellent and we find it necessary that EASA makes a proposal similar to "Registered Facility". The present proposal for a Basic Regulation requirement for approved training organisations is not adoptable to the structure we have today. We need a "light" approved training organisation with no requirements concerning number of instructors and with no regulations for financial results and reporting.

comment

1713

comment by: *Baden-Württembergischer Luftfahrtverband*

### **Introduction**

The Baden-Württembergischer Luftfahrtverband (BWLTV) is the association of the about 200 aviation clubs in the state Baden Württemberg in the south west of Germany. About 160 of these clubs instruct on aeroplanes, sailplanes, micro lights, balloons and parachutes.

The quite high number of clubs which are partially quite small are spread widely across the country and therefore most people interested in flying can find a club close by giving access to flying at very low cost. This is especially

important so that also young people still at school interested in aviation have the possibility to start flying. This offering is only possible because all functions are executed by volunteers.

A big portion of general aviation activity is happening in the context of these clubs. Here pilots are under close observation and exchange lots of information. Aircraft belong to all members and are often not insured against loss. This leads to a quite rigid control between the members. This infrastructure therefore contributes a lot to the safety in aviation.

It is important to maintain this infrastructure and make sure it is supported by the regulations. This importance is also emphasized in the „*An Agenda for Sustainable Future in General and Business Aviation COM(2007) 869*“.

We have structured our comments to the various paragraphs in up to four parts as appropriate:

Full reference to the passage (FCL.nnnn.XX (x)(n)(n))

#### **Wording in the NPA**

Here we repeat the passage from the NPA which we are specifically commenting

#### **Our proposal**

Here we specify how to change the wording of the NPA. This is either:

**Add:** for an addition of a passage

**Change:** changes in the original wording marked in red

**Delete:** delete a passage

#### **Issue with current wording**

A one sentence description of the problem

#### **Rationale**

A detailed reasoning why we think the change is needed or perhaps why we support the proposal in the NPA.

Our following general comments list issues and rationales which apply to many of the rules in this proposal. We therefore gather them here with detailed rationales and will then refer to them in our comments to the individual rules. This avoids repeating the rationales in multiple comments.

### **General Comments**

#### **1. clubs as ATO**

##### **Issue with current wording**

The in the NPA proposed ruling is in many cases not applicable to the special situation of ATOs run by clubs. Already in the very first paragraph (OR.GEN.001) organizations are linked to business which does not reflect the way non commercial clubs operate. Through out the document it appears that organizations operating non profit oriented purely with volunteers are not considered

##### **Rationale**

In the clubs at least in Germany the training of pilots is conducted as part of the activity of the club with no commercial goals. The instructors are not employees of the club but members as all the other pilots too. The instructors volunteer there service. This service is usually credited against the service

contribution that is required from all members. In most of these clubs the following conditions apply:

- There is no plan for a certain number of students. Training is provided is required by the club members. The number of students therefore can vary a lot.
- The training activity does not contribute to the financial situation of the club, this is solely dependant on the member contributions independent if they are students or not.
- Instructors are not employed, neither full nor half time. Since instructors instruct during there free time voluntarily they can not spend that much time. Therefore many instructors are required relative to the number of students
- Club ATOs will mainly focus on training for LPL licenses and to some extent PPL licenses
- The ATO activity can be very small

Clubs implicitly have quite a high safety level due to the fact that the fleet belongs to all members and is often not even insured. Therefore the club members monitor each other quite closely. Also the typically intense communication in the clubs contributes to the safety.

Fore these reasons many of the criteria e.g. for the complexity (AMC to OR.GEN.200(b) ) or the financial resources (AMC to OR.ATO.010(b) do not apply.

## **2. check and training flights required by organizations**

### **Issue with current wording**

Conditions for check flights and training flights required by organizations is not clear

### **Rationale**

Possibly this belongs in the part covered by NPA 2008-17b but it is linked to organizations. Many operations renting out aircraft as well as flying clubs require check and training flights beyond the requirements of the part FCL. E.g. when checking out a new customer or member, a check/training flight at the beginning of each flying season, a check flight/training flight if a pilot has not flown for a certain time or just if the impression occurs that a pilot is unsafe. Of cause also a pilot himself feeling unsafe may require assistance. For flights with instructors in these cases it should be clearly defined:

1. that the instructor is the pilot in command
2. that the instructor can count this time as instruction time e.g. for revalidation of the instructor certificate
3. The flight is appropriately documented in the pilots log book

At least in Germany this was never clearly regulated and led to many discussions and uncertainties.

It benefits safety if pilots have easy access to instructors and instructors are motivated to assist pilots.

## **3. Safety Management in non commercial ATO's**

### **Issue with current wording**

Safety management is over regulated for ATO's for PPL,SPL,LPL especially if non commercial operations are concerned. This is counter-productive and does not follow the principle of subsidiarity ( [www.europa.eu/scadplus/glossary/subsidiarity\\_en.htm](http://www.europa.eu/scadplus/glossary/subsidiarity_en.htm) ).

Issues in consistency are to be expected on small airports not regulated at European level where non commercial ATO typically operate.

#### **Our Proposal**

Safety management in non commercial ATO should not be regulated at European level.

#### **Rationale**

ATO's offering only courses for PPL, SPL or LPL operate on a local basis. Based on the principle of subsidiarity safety management regulation by the EU should be kept to a minimum for these organizations. Over regulating safety management by too many formalities will distract from relevant safety measures. Especially in clubs safety is much better served by ensuring a social culture that supports safety which can not be forced by formal rules. We strongly support making safety the top objective of any organization linked to aviation. But measures must be tailored appropriately. One of the most substantial contributors to safety is personal responsibility. Top down regulation is a killer for personal responsibility. Training and raising of awareness are more important for safety than formalities.

Safety management of an ATO is closely linked to the safety management of the airport. Small airports where non commercial ATO are typically based are currently excluded from regulation at European level. A consistent safety management for non commercial ATO would be difficult to achieve therefore.

#### **4. Registered Facility**

##### **Issue with current wording**

The concept of a registered facility as defined in the JAR-FCL. is missing.

##### **Our proposal**

Adopt the concept for a registered facility from JAR-FCL

##### **Rational**

The concept of the registered facility according to JAR-FCL is adequate to non profit training organizations. Since 2003 the non profit training organizations are operating successfully as RF with a high training and safety standard.

comment

1783

comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text: General Comment

Comment: In case of commercial air transport, the manual requirements are rather confusing and do not provide legal certainty. We do not see any safety justification for EASA's proposal which is a fundamental departure from EU-OPS.

Proposal: realign with EU-OPS, focussing on an OM with 4 Parts

comment

1795

comment by: *ACI EUROPE*

#### **Overall presentation of the NPA**

The precedential impact of the GEN Parts contained in NPA 22 on the regulation of aerodromes lacks of sufficient transparency. The consultation process for the GEN provisions is considerably impeded if GEN provisions that are considered to be equally applicable to other aviation domains, currently not in the scope of EASA, are hidden in an NPA that is obviously only addressed to approved training organizations, aeromedical centres, licensing and medical certification of flight crew. Most airports might not have realized that this NPA

has a considerable impact on the future regulation applicable to them.

The Comments made to this NPA by ACI EUROPE and its members only reflect a small membership due to the fact that it is not clearly outlined by EASA what may be applicable for aerodromes and what not. ACI EUROPE would like to stress that we found it extremely difficult to give statements on the NPA without having a clear outline of what might impact aerodromes in the future.

comment 1796

comment by: ACI EUROPE

### **Documentation**

The draft decision describes documentation requirements on several levels. The Management System shall include the Safety Management Manual (SMM), but in 8.d. it is stated that the SMM may be a chapter in the Organisation Manual. The requirements for an Organisation Manual is defined in GM to OR.GEN.200(a)(6), but here it is stated that the content may be contained in other manuals, e.g. Aerodrome Manual, Operations Manual or Training Organisation Manual. In AMC 1 to OR.GEN(a)(7) a requirement for documentation of a Compliance Monitoring System is described in item 5, but here it is stated that the "relevant documentation should include the relevant part(s) of the Organisation Manual. The documentation structure is not very clear and should be clarified and simplified.

Especially the relationship between the Organization Manual and the Aerodrome Manual needs clarification. With the requirement for an Organization Manual an additional documentation burden is being introduced. This requirement can easily be accommodated by requiring a dedicated chapter on the aerodrome organization in the Aerodrome Manual. ICAO Document 9774 already requires particularities on the aerodrome organization and the aerodrome operators Safety Management System to be described.

comment 1797

comment by: ACI EUROPE

### **Management System**

The requirement for a Management System including safety and compliance monitoring is mainly based on the legacy of airline regulation by the Joint Aviation Authorities and might not be appropriate to aerodrome regulation. The compliance monitoring requirement is mainly a transposition of the Quality Management System (QMS) requirement for aircraft operators according to the existing JAR-OPS 1.035 provisions. The proposed Management System structure aims at adding a SMS component to the QMS component already existing in the former JAA regulated aviation domains.

According to ICAO Annex 14, airports need only have a Safety Management System (SMS). The monitoring of safety compliance is already a part of the airport SMS. It would rather be preferable to expand the compliance monitoring function in the scope of the SMS. An elaboration of the compliance monitoring function into the SMS would avoid the fragmentation of powers in safety oversight in an organization if both a SMS Manager and a Compliance Manager is to be nominated.

comment 1799

comment by: ACI EUROPE

### **Transition measures**

The Transition Measures described in NPA 2008-22a article 44. – 46. does not

take into account the need of aerodrome operators. Transition measures for aerodromes would have to take into account the proposed requirements for structure, systems and documentation that go beyond that of ICAO and many national requirements that could cause significant change to management of aerodromes. The impact on organisational structures, staffing, processes and procedures would have to be analysed and plans for transition and implementation of the new requirements would have to be drawn up. Implementation may require organisational changes, recruitment of staff, development of documents and implementation of new processes and procedures. All changes would have to be managed with regard to safety, and risk analysis would have to be executed as appropriate. Any risk mitigating measures would have to be implemented before the transition is final.

comment 1800

comment by: ACI EUROPE

### **Regulatory Impact Assessment**

The challenges with regard to transition measures give an indication on where the impact must be assessed. The impact assessment must also include increased cost with regard to staffing, documentation and documentation management that is caused by introducing requirements on aerodromes beyond the ICAO provisions.

comment 1802

comment by: AIR FRANCE

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated. Generally, the NPA tries to address both the "single-privilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

comment 1803

comment by: AIR FRANCE

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL.  
NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments.  
All comment periods should be aligned and sufficient time should be left in order to :

- Familiarize with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating
- Ask questions to EASA as many parts raise questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.  
More time and a cooperative way of working are needed to produce a good regulation.

comment 1804

comment by: International Air Transport Association (IATA)

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated.

Generally, the NPA tries to address both the "single-privilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

comment 1805 comment by: *International Air Transport Association (IATA)*

NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

All comment periods should be aligned and sufficient time should be left in order to :

- Familiarize with this totally new structure
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- Ask questions to EASA as many parts raise questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

More time and a cooperative way of working are needed to produce a good regulation.

comment 1806 comment by: *International Air Transport Association (IATA)*

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard" , we feel there is a need to create one.
- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?
- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here ? Should this not be part of Compliance Monitoring? We need a proper definition.
- SMS: the Safety Manager. Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group? Or , if there still is an accountable manager for the Part 145, then we assume we will be able to arrange these activities under the Part 145 approval.
- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such

as the MOE? In other words: what will the new document structure be?

- "Compliance monitoring" as opposed to Quality Management and Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Management and Quality Assurance
- SMS is intended to go "beyond compliance"; therefore the Quality Manager should not be called and seen as Compliance Manager as this would limit his scope. Compliance clearly is only a subdivision / one element of Quality.
- QM may "not become a Postholder" as this would limit his freedom to think outside of the box.

comment 1807

comment by: AIR FRANCE

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard", we feel there is a need to create one.
- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here? Should this not be part of Compliance Monitoring? We need a proper definition.
- "Compliance monitoring" as opposed to Quality Management and Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Management and Quality Assurance.

comment 1808

comment by: International Air Transport Association (IATA)

**Comment:** In case of commercial air transport, the manual requirements are rather confusing and do not provide legal certainty. We do not see any safety justification for EASA's proposal which is a fundamental departure from EU-OPS.

**Proposal:** realign with EU-OPS, focussing on an OM with 4 parts

comment 1857

comment by: EUROCOPTER

Please be advised that Eurocopter have no comments.

comment 1908

comment by: British Airways Safety & Security

The experience of British Airways is that there is not clarity in the industry on a number of specific topics and, without clear and simple definitions, the rules and regulations are open to misinterpretation and potentially legal challenge. The items that are included in the list of (as far as we have been able to determine) undefined topics are:

Compliance Monitoring  
 Safety Audits  
 Quality Assurance  
 Risk Management  
 Safety Management

This list is not exhaustive though.

comment 1920 comment by: *British Airways Safety & Security*

Our understanding that the principle of having a subpart ATO (and not calling it TRTO) was that the IRs were to cover all training organisations, including maintenance training organisations. There are a number of specific IRs that clearly cover only TRTO requirements. This principle does not appear to have been followed through in this NPA.

comment 1965 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

**Overall presentation of the NPA**

The precedential impact of the GEN Parts contained in NPA 22 on the regulation of aerodromes lacks of sufficient transparency. The consultation process for the GEN provisions is considerably impeded if GEN provisions that are considered to be equally applicable to other aviation domains, currently not in the scope of EASA, are hidden in an NPA that is obviously only addressed to approved training organizations, aeromedical centres, licensing and medical certification of flight crew. Most airports might not have realized that this NPA has a considerable impact on the future regulation applicable to them.

The Comments made to this NPA by ADV and its members only reflect a small membership due to the fact that it is not clearly outlined by EASA what may be applicable for aerodromes and what not. ADV would like to stress that we found it extremely difficult to give statements on the NPA without having a clear outline of what might impact aerodromes in the future.

comment 1966 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

**Documentation**

The draft decision describes documentation requirements on several levels. The Management System shall include the Safety Management Manual (SMM), but in 8.d. it is stated that the SMM may be a chapter in the Organisation Manual. The requirements for an Organisation Manual is defined in GM to OR.GEN.200(a)(6), but here it is stated that the content may be contained in other manuals, e.g. Aerodrome Manual, Operations Manual or Training Organisation Manual. In AMC 1 to OR.GEN(a)(7) a requirement for documentation of a Compliance Monitoring System is described in item 5, but here it is stated that the "relevant documentation should include the relevant part(s) of the Organisation Manual. The documentation structure is not very clear and should be clarified and simplified.

Especially the relationship between the Organization Manual and the Aerodrome Manual needs clarification. With the requirement for an Organization Manual an additional documentation burden is being introduced. This requirement can easily be accommodated by requiring a dedicated chapter on the aerodrome organization in the Aerodrome Manual. ICAO Document 9774 already requires particularities on the aerodrome organization and the aerodrome operators Safety Management System to be described.

comment 1967 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

**Management System**

The requirement for a Management System including safety and compliance monitoring is mainly based on the legacy of airline regulation by the Joint Aviation Authorities and might not be appropriate to aerodrome regulation. The compliance monitoring requirement is mainly a transposition of the Quality Management System (QMS) requirement for aircraft operators according to the existing JAR-OPS 1.035 provisions. The proposed Management System structure aims at adding a SMS component to the QMS component already existing in the former JAA regulated aviation domains.

According to ICAO Annex 14, airports need only have a Safety Management System (SMS). The monitoring of safety compliance is already a part of the airport SMS. It would rather be preferable to expand the compliance monitoring function in the scope of the SMS. An elaboration of the compliance monitoring function into the SMS would avoid the fragmentation of powers in safety oversight in an organization if both a SMS Manager and a Compliance Manager is to be nominated.

comment 1968 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

**Transition measures**

The Transition Measures described in NPA 2008-22a article 44. – 46. does not take into account the need of aerodrome operators. Transition measures for aerodromes would have to take into account the proposed requirements for structure, systems and documentation that go beyond that of ICAO and many national requirements that could cause significant change to management of aerodromes. The impact on organisational structures, staffing, processes and procedures would have to be analysed and plans for transition and implementation of the new requirements would have to be drawn up. Implementation may require organisational changes, recruitment of staff, development of documents and implementation of new processes and procedures. All changes would have to be managed with regard to safety, and risk analysis would have to be executed as appropriate. Any risk mitigating measures would have to be implemented before the transition is final.

comment 1969 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

**Regulatory Impact Assessment**

The challenges with regard to transition measures give an indication on where the impact must be assessed. The impact assessment must also include increased cost with regard to staffing, documentation and documentation management that is caused by introducing requirements on aerodromes beyond the ICAO provisions.

comment 2003 comment by: *Avinor AS*

The NPA seems to be more addressed to approved training organizations, aeromedical centres, licensing and medical certification of flight crew. Avinor questions the involvement of aerodrome and ATM/ANS expertise in development of the NPA as parts of the document does not reflect on current operational and management practice. One example is the lack of reference to the Aerodrome Manual and ICAO's requirement for airport and ATM SMS.

The draft decision describes documentation requirements on several levels. The Management System shall include the Safety Management Manual (SMM),

but in AMC 2 to OR.GEN.200(a)(3) item 8.d. it is stated that the SMM may be a chapter in the Organisation Manual. The requirements for an Organisation Manual is defined in GM to OR.GEN.200(a)(6), but here it is stated that the content may be contained in other manuals, e.g. Aerodrome Manual, Operations Manual or Training Organisation Manual. In AMC 1 to OR.GEN(a)(7) a requirement for documentation of a Compliance Monitoring System is described in item 5, but here it is stated that the "relevant" documentation should include the relevant part(s) of the Organisation Manual. The documentation structure is not very clear and should be clarified and simplified. Especially the relationship between the Organization Manual and the Aerodrome Manual needs clarification. With the requirement for an Organization Manual an additional documentation burden is being introduced. This requirement can easily be accommodated by requiring a dedicated chapter on the aerodrome organization in the Aerodrome Manual. ICAO Document 9774 already requires particularities on the aerodrome organization and the aerodrome operators Safety Management System to be described.

comment 2042

comment by: ERA

This NPA is tied with NPAs 2009-01 and 02. The size of these individual NPAs has made it almost impossible to fully understand the changes proposed. In addition the different phraseology used makes it very difficult to carry out comparison between new and old regulations.

For example how can a full review of this NPA be carried out when the additional AMCs to the IRs of this NPA 2008□22 are published in NPA 2009□02. No sound comment can be given before a complete review of all the NPAs has been completed.

In addition it is difficult to make comments without having read the whole NPAs 2009-01 & 2008-17. Therefore, all comment periods should be aligned and sufficient time should be left in order to:

Familiarize with this totally new structure

Read every part in detail and find all the links between the different subparts

Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating

Ask questions to EASA as many parts raise questions

Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

In many aspects fundamental differences have been introduced compared to EU-OPS. There is no legal basis and no safety justification for EASA to fundamentally alter the EU-OPS requirements.

A co-operative way of working is needed to produce a better regulation. Would it not be an improvement to retain EU-OPS and apply IR changes to the individual subparts over a period of time? This would enable a greater understanding of the proposed changes and reduce confusion.

Generally, the NPA tries to address both the "single privilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

With respect to SMS, the following questions could be raised and observations can be made in support of the general comment:

The "Hazard identification processes" and "Risk assessment and Mitigation processes".

- o What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities?

"Clearly defined lines of safety accountability".

O The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?

SMS: Safety Performance monitoring and measurement:

o iv: safety audits. What is exactly meant here ? Should this not be part of Compliance Monitoring? We need a proper definition.

SMS: the Safety Manager.

o Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group?

The Organisation Manual:

o is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE?

"Compliance monitoring" as opposed to Quality Management and Quality Assurance.

o This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Management and Quality Assurance.

§ SMS is intended to go "beyond compliance"; therefore the Quality Manager should not be called and seen as Compliance Manager as this would limit his scope.

comment

2058

comment by: *Fraport AG*

Attachment [#3](#)

Comments to the overall NPA 2008-22C are listed in the attached pdf-File.

Boris Wilke

comment

2098

comment by: *CANSO*

We refer to the NPA 2008-22c for a Commission regulation establishing the implementing rules for the competent authorities, including general requirements for approved training organisations, aeromedical centres, licensing and medical certification of flight crew.

CANSO wish to draw the attention to EASA officials that they cannot support if this proposal would be applied for ATM providers in the frame of the future extension of EASA's competence to ATM.

Indeed, Member States (in particular their NSA and the ANSPs) have applied the Commission Regulation(EC) No 2096/2005 of 20 December 2005 laying down Common Requirements for the provision of air navigation services. This Regulation is presently more appropriate for organisations involved in ATM domain. All the Air Navigation Service Providers have been certified based on this Regulation to the satisfaction of the ATM community.

comment

2163

comment by: *Icelandair*

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated.

Generally, the NPA tries to address both the "single-privilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

comment 2164

comment by: *Icelandair*

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL.

NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

All comment periods should be aligned and sufficient time should be left in order to :

- Familiarize with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating
- Ask questions to EASA as many parts raise questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

More time and a cooperative way of working are needed to produce a good regulation.

comment 2165

comment by: *Icelandair*

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard" , we feel there is a need to create one.

- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?

- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here ? Should this not be part of Compliance Monitoring? We need a proper definition.

- SMS: the Safety Manager. Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group? Or , if there still is an accountable manager for the Part 145, then we assume we will be able to arrange these activities under the Part 145 approval.

- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE? In other words: what will the new document structure be?
- "Compliance monitoring" as opposed to Quality Management and Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Management and Quality Assurance
  - SMS is intended to go "beyond compliance"; therefore the Quality Manager should not be called and seen as Compliance Manager as this would limit his scope. Compliance clearly is only a subdivision / one element of Quality.

comment 2166

comment by: *Icelandair***Relevant text:** General Comment

**Comment:** In case of commercial air transport, the manual requirements are rather confusing and do not provide legal certainty. We do not see any safety justification for EASA's proposal which is a fundamental departure from EU-OPS.

**Proposal:** realign with EU-OPS, focussing on an OM with 4 parts

comment 2264

comment by: *Svenska Ballongfederationen*

General opening comments:

The following comments to this NPA are the official comments of Svenska Ballongfederationen (Swedish version of BBAC).

Almost all Swedish balloonists are organized in Svenska Ballongfederationen, SBF for short. SBF is the national non-profit balloon organization. SBF has through its flight school and training organization performed the main part of training for balloon certificates for thirty-five years.

We see some problems with this NPA which we will address in the following parts. Our main concern is the classification of "small organisation" and "other organisation".

We are more than happy to take part in further discussions about this if you need clarifications on the comments or suggestions on how to solve these problems. Feel free to contact us at [uu@ballong.org](mailto:uu@ballong.org).

comment 2271

comment by: *EAAPS*

The commenting on this NPA must be seen as preliminary because of the interdependencies between this NPA and the NPAs on FCL and OPS. Only a few examples shall highlight the difficulties:

1. The understanding of AMCs and the differentiation between hard law i.e. IRs and soft law i.e. AMCs is unclear with regard to the application in Part FCL. There are syllabi now as IRs in some cases which would require a full rulemaking procedure for a change in a syllabus. This is not acceptable since there is a need to react in a timely manner.

2. The further development of training is not considered as a process in the

document. For some ATOs there is a need to have an approval as a training development organisation similar to the approved design organisation. Suitable prerequisites and requirements for such an approved organisation are not available and must be developed.

3. Any upcoming changes in the related Parts FCL and / or OPS must imply the option to adopt this draft. The necessary involvement of stakeholders in reaction to such changes is unclear.

comment

2282

comment by: *Light Aircraft Association of the Czech Republic*

Light Aircraft Association of the Czech Republic is a competent authority for Certification, Licencing and Operation of microlights in the Czech Republic.

This covers paragliding, powered paragliding, hang gliding, gyroplanes, helicopters, weight shift and aerodynamically controlled microlight.

In this respect it is unique in Europe

It has 6 400 members and registers 7 900 aircraft and 10 000 pilots.

LAA ČR thinks that proposed changes in the present NPA were not what the light aviation community asked for. We asked for a stand-alone European or even Global LSA category (covering all basic four areas of aviation activity - Initial airworthinnes, Maintenance, Licensing and Operations), compatible with LSA category in the United States. That is why it is politically necessary to establish a balanced set of simple regulations , which will be acceptable to their users in different Member states, without detrimental affects on flight safety.

At the same time the Annex II must be protected until this new proposed system will prove that it can be as successfull as the Annex II system.

On the other hand, no bureauticac regulation should be introduced for the sake of harmonisation/standardisation without a serious justification through a proper RIA proces.

Unfortunately RIA process presented in this NPA 2008-22a cannot be considered as proper from the point of view of Sport and Recreational Aviation. This is mainly because no relevant data from our sector of aviation were used.

The document as a whole is in fact unreadable for ATOs for the LSP and SPL, because it is not possible to distinguish material that applies to the LPL and SPL and what not.

**Proposal:**

LAA CR has provided comments in this NPA because we hope that this will allow EASA to understand that the proposals in this NPA 2008-22 are not suitable for the Sports and Recreational Aviation.

LAA CR believes that in this present form NPA 2008-22 is disproportional and not fit in sports and recreational aviation training environment and it should be discharged for Sports and Recreational Aviation.

There is a serious risk that the successful light aviation (represented by the modern microlights) will be killed by the present proposals.

LAA CR would welcome to work with EASA to develop a revised approach to this rulemaking task that will take into consideration the needs of the Sports and Recreational Aviation community.

comment

2297

comment by: *Deutscher Aero Club Landesverband Niedersachsen*

The Deutscher Aero Club Landesverband Niedersachsen (LVN) is the association of about 100 aviation clubs in the state Lower Saxony of Germany and member of the Deutscher Aero Club (DAeC) as roof organisation of air sport in Germany.

Most of the clubs organised in the organisation instruct on aeroplanes, sailplanes, micro lights, and parachutes.

The clubs are spread across the country and are therefore located close to most of the people interested in flying and give access to flying at very low cost. This is especially important to allow young people to start flying to reasonable costs and quality. This is possible because all functions are executed by volunteers.

One goal of regulation should be the protection of the existing successful working structure of aviation and in this case air sport for further development of the market.

It is important to maintain the given infrastructure and to implement supportive regulations. This importance is also emphasized in the „*An Agenda for Sustainable Future in General and Business Aviation* COM(2007) 869“.

## **1. clubs as ATO**

### **Issue with current wording**

The in the NPA proposed ruling is in many cases not applicable to the special situation of ATOs run by voluntary driven air sport clubs.

### **Rationale**

In the clubs at least in Germany the training of pilots is conducted as part of the activity of the club in a non profit orientated organisation. The instructors are not employees of the club and members as all the other pilots too. The instructors volunteer there service. This service is usually credited against the service contribution that is required from all members. In most of these clubs the following conditions apply:

- ∅ There is no plan for a certain number of students. Training is provided as required by the club members. The number of students is highly variable
- ∅ Training does not influence the financial situation or income of the club as it is provided without any fees for the students.
- ∅ Instructors are not employed, neither full nor half time. Since instructors instruct voluntarily the resources concerning time availability are limited. Therefore many instructors are required relative to the number of students. Additionally, bureaucratic burden has to be strictly minimized to ensure concentration on the major requirements of the training in the clubs.
- ∅ Club ATOs will mainly focus on training for LPL licenses and to some extent PPL licenses
- ∅ The ATO activity can be very small

Clubs implicitly have quite a high safety level due to the fact that the fleet belongs to all members. Therefore the club members monitor each other quite closely. Also the typically intense communication in the clubs contributes to the safety.

Fore these reasons many of the criteria e.g. for the complexity (AMC to OR.GEN.200(b) ) or the financial resources (AMC to OR.ATO.010(b) to not apply.

## **2. Safety Management in non commercial ATO's**

### **Issue with current wording**

Safety management represents clearly over regulation for ATO's for PPL,SPL,LPL especially if non commercial operations are concerned. This is counter-productive and does not follow the principle of subsidiarity. ( [www.europa.eu/scadplus/glossary/subsidiarity\\_en.htm](http://www.europa.eu/scadplus/glossary/subsidiarity_en.htm) ).

### **Rationale**

ATO's offering only courses for PPL, SPL or LPL operate on a local basis. Based on the principle of subsidiarity safety management regulation by the EU should be kept to a minimum for these organizations to ensure the further existence and development of these organisations. Over regulating safety management by too many formalities and bureaucratic burden will distract from relevant safety measures. Especially in clubs safety is much better served by ensuring a social culture that supports safety which can not be forced by formal rules. Acceptance of rules and proceedings in aviation is a more promising way to increase safety. We strongly support safety as one top objective of any organization linked to aviation. But measures must be tailored appropriately. One of the most substantial contributors to safety is personal responsibility and top down regulation is a killer for personal responsibility. Training and raising of awareness are more important for safety than formalities.

comment

2315

comment by: *FINNAIR*

The possibility (as an option) for single organisation approval should be clearly stated (for AOC holder) even in the case of multiple approvals. There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated.

comment

2316

comment by: *FINNAIR*

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL. NPA 2009-02 adds AMCs to these subparts which shows that every NPAs are linked together and a non exhaustive reading may lead to inefficient comments. All comment periods should be aligned and sufficient time should be left in order to :

- Familiarized with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA
- Ask questions to EASA as some parts raises questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency. More time and a cooperative way of working are needed to produce a good regulation.

comment

2319

comment by: *FINNAIR*

In general SMS-material - as proposed - we lead to huge variations; in many cases the text is too generic and intention of the writer is unclear and too theoretical and does not fit all the organisations.

comment

2320

comment by: *FINNAIR*

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL.

NPA 2009-02 adds AMCs to these subparts which shows that every NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

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comment 2322

comment by: *FINNAIR*

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard" , we feel there is a need to create one.
- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?
- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here ? Should this not be part of Compliance Monitoring? We need a proper definition.
- SMS: the Safety Manager. Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group? Or , if there still is an accountable manager for the Part 145, then we assume we will be able to arrange these activities under the Part 145 approval.
- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE? In other words: what will the new document structure be?
- "Compliance monitoring" as opposed to Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Assurance.

comment 2336

comment by: *Icelandic CAA*

We are in agreement with the approach used developing the Organizational Requirements drafts presented in NPA 22C. The model used is likely to satisfy industry and NAAs in a productive manner. The merging of the SMS and QMS principles and requirements into a single management system is done in a balanced way.

It is however questionable if it is correct to remove entirely the definition of Quality in relation to compliance monitoring, since compliance monitoring can be seen as a process that fits perfectly well within the scope of a quality management system. It is however noted that 'compliance' has far more weight than 'fitness of use for the end user' in the context of the organizations affected by the regulatory requirements referred to.

comment

2362

comment by: *European Sailplane Manufacturers*

For the European sailplane manufacturers it remains totally unclear how this proposed new regulation will be applied in the world of small and sport aviation.

This Part-OR will be applicable to all types of organisations....?  
So what about design / production / maintenance organisations?  
So what about typical organisations of our sector like clubs and federations?

The regarding competent authority will be the authority of the regarding member state...?

What about multi-national federations?

Why not delegation to the existing national aero-clubs and other air-sport organisations?

All the definitions like management / place of business / action plans / management system / contracting / facilities / record keeping - how could these be applied to clubs consisting of people spending their spare time to go flying?

And last but not least:

All procedures and approvals...

... who is supposed to pay for all these - does anybody realise that here much money will have to be spent without a real benefit for the persons concerned?

The European sailplane manufacturers need a clear statement from EASA and the European commission that this regulation will not be applicable in this proposed form toward the non-profit sector of small and sport aviation in Europe.

comment

2369

comment by: *Holger Scheibel*

Sehr geehrte Damen und Herren,

für den Bereich Ballonfahrt möchte ich gerne einige generelle Hinweise geben, um Schlussendlich eine, in der Umsetzung gerade für diesen von sehr speziellen Rahmenbedingungen geprägten Bereich im Dienste der Sicherheit eine praxisorientierte, Zielsetzung zu ermöglichen.

Der Gesamtmarkt der PPL-D Ausbildungen in der Bundesrepublik Deutschland beträgt gegenwärtig geschätzt ca. 25 Schüler pro Jahr.  
Diese Anwärter verteilen sich auf die gesamte BRD!

Wichtig für deren Ausbildungsbedingungen erscheinen mir besonders folgende für die Ausbildungsdokumentation wichtigen Bedingungen:

Es gibt kein weiteres Luftfahrzeug was nur innerhalb solch enger Betriebsgrenzen hinsichtlich des Wetters betrieben werden kann.  
Ausbildungsfahrten können z.B. unter Meidung der Thermik im Sommer nur in der Zeit von 05:30 bis 07:30 loc bzw. 19:30 bis 21:30 loc stattfinden.

Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen daher nicht möglich. Aus diesen Gründen verteilt sich die Ausbildung zeitlich auf in der Regel wenigstens 12 bis 18 Monate.  
Schüler die sich dieses Hobby noch leisten können haben immer weniger Zeit dazu.

An diesen wenigen Tagen ist dann oft nicht gleich das passende Wetter bzw. ein Wetter das nicht zum jeweiligen Ausbildungsstand passt...

Diese Besonderheiten in der Ballonausbildung führen zu folgender Konsequenz: Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer ca. 1,5 h + der Reisezeit vor dem geplanten Start.

Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 - 2,5 h . Die Heimreise endet dann nach Mitternacht.

Dieses hat natürlich einen erheblichen Einfluss auf die wirtschaftlichen Möglichkeiten beim Betrieb eines solchen Luftfahrzeuges.

Gerade dadurch ergibt sich schon die Notwendigkeit aus Kostengründen unnötige finanzielle Belastungen für Ausbildungsbetriebe für verzichtbare Nachweise und Dokumentationen zu verhindern.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden.

Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung mehr oder weniger ausgerichtet haben.

1. Problem dabei: Für 20 Schüler durch die Republik verteilt findet sich nicht mehr immer ein von der Qualität und den Kosten her guter Lehrgang.

Schon gar nicht gleich zum Wunschtermin...

2. Problem: In der Folge finden sich immer mehr Angebote die aus Wettbewerbsgründen eine immer schlechtere Qualität liefern.

Abhilfe kann hier nur eine klare Vorschrift über Inhalt und Dauer der notwendigen Unterrichtseinheiten schaffen.

Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen ('Organisationen') aus. Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Die Entwicklung zu immer kleineren Ausbildungsorganisationen bedarf deshalb einer stärkeren Kontrolle um den bestehenden Qualitätsanspruch zu erfüllen.

Ziel sind qualifizierte Piloten und deren Entwicklung braucht einen genauen Rahmen, der gerade dieses fördern soll.

Einschränkungen sind aber zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Hier sollte nicht der einzelne Lehrer im Vordergrund stehen sondern die jeweilige Organisation unter deren Führung der Lehrer steht.

Hilfreich erscheint mir dazu die Einführung praktischer Kontrollen der Ausbildung in den Betrieben durch Senior Prüfer vor Ort.

Im Spannungsfeld zukünftig ggf. sinkender Lehrerzahlen und dem erhöhten Prüferbedarf

denke ich müssen die Arbeit und die Zeiten als Prüfer weiter die Lehrberechtigung aufrecht erhalten.

Um eine klare Ebenen der Regelungen für ATO's zur Ballonpilotenausbildung zu schaffen

sollte eine AMC für 'Ballon - ATO's' geben.

Eine Obergrenze für die Anzahl beteiligter Lehrberechtigter/Schüler in einer solchen Ballon - ATO sollte es nicht geben, da einige Vereine viele Ausbilder aber nur wenige Schüler haben. Dadurch haben auch diese Lehrer die Möglichkeit ihre Lehrberechtigung aufrecht zu erhalten.

Daher sollte die Beschränkung der Ausbildung für Ballon - ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.

Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglich sein.

I m Ergebnis muss also die Kontrolle und Anleitung der Betriebe durch die Luftfahrtbehörden stehen .

Dieses muss unbedingt einen unwirksamen Berg von Papier/ Dokumentationen und deren Kosten verhindern.

Mit freundlichen Grüßen/ Best regards

Holger Scheibel

Freiballon-Sportschule

A.u.R. Mathes GmbH

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55296 Harxheim bei Mainz

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Geschäftsführer

Holger Scheibel  
HRB 1925, Amtsgericht Mainz

comment

2420

comment by: FAA

**General Comment:**

The FAA Certificated Flight Schools (14 CFR part 141) and Flight Training Centers (14 CFR part 142) along with Airline Training Centers (14 CFR part 121) and private instruction conducted by individual certificated flight instructors (14 CFR part 61) provide flight training for a significant portion of EASA Member States' pilots. US training organizations received over 12,000 requests for training from EU Member State pilots in 2008; over 44,000 requests have been received since October 2004.

The EC regulation expanding EASA's competency requires EASA approvals for instructors, simulators, and training organizations located outside the EU. NPA 2008-17, *Implementing Rules for Pilot Licensing*, and NPA 2008-22, *Authority and Organization Requirements*, define the requirements for those approvals. Meeting these requirements could have a significant economic impact on US industry and may not be economically viable for some organizations. Taking up the training load will overburden the current European training system and could compromise safety.

The FAA and EASA have a well established working relationship. However, much work remains to be done to address emerging issues in flight simulators and training organization approvals. We must continue to work together to harmonize requirements where possible and to develop bilateral agreements that will ensure the safe and smooth transition to the new European requirements.

comment

2449

comment by: Norwegian Air Sports Federation, Gliding Section

## General comment:

The Gliding Section of the Norwegian Air Sports Federation agrees with the comments to NPA 2008-22c submitted by the European Gliding Union. The proposed regulations appear to be overly complex and restrictive to apply to non-commercial training organisations, run by clubs on a volunteer basis, as is the case for most sailplane training organisations in Europe.

comment

2491

comment by: CB

In case of commercial air transport, the manual requirements are rather confusing and do not provide legal certainty. We do not see any safety justification for EASA's proposal which is a fundamental departure from EU-OPS. Proposal: realign with EU-OPS

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comment

420

comment by: Federal Office of Civil Aviation (FOCA), Switzerland

## General Comment:

1) The GERT structure chosen by EASA is by far more complicated than the

well structured JAR rules. Most users are not able to cope with the modular approach. The present draft is in conflict with the basic principles of understandable rule setting of the Community and must be changed entirely, in order to be user friendly and more coherent for the regulated organisations and authorities.

2) EASA should base its current rulemaking on the JARs. The proposed rules go much further than what the common market and a level playing field in Europe demands. EASA is not entitled to regulate purely domestic affairs. The IR should not go beyond the necessary minimum which has well been defined by the JARs and needs no further enlargement.

3) The mechanism of AMCs is not based on the basic regulation and, therefore, to be considered illegal and has to be entirely revised or fully abrogated. The present draft would lead to a derogatory situation where industry and NAAs will not know any more what is possible and what is forbidden. The AMC mechanism, therefore, will jeopardise safety and legal security. Furthermore, it will hamper European competitiveness in the global market.

comment

778

comment by: *European Business Aviation Association (EBAA)*

Summary.

In general, the comments (or lack of them) reflect a level of acceptability of the need for SMS as part of continuous safety improvement; however there is real concern about the lack of reference to guidance material. In general, operators would rather have clear, unambiguous requirements that are clearly defined. The definition of a small company is obviously inappropriate and simplistic.

1. Small Operators should not be defined in terms of 20 employees. If there is to be a boundary allowing a simpler means of achieving SMS compliance it should be defined in terms of the complexity of the operation. Operators will want clear definitions in order to comply with requirements.

2. The description of training requirements should be expanded to recommend the inclusion of Human Factors awareness training to align non-operational employees with the safety risks inherent with certain levels of human performance and interaction. Many companies already demonstrate good practice in this area with derivatives of HF training courses aimed at the non-Crew employees.

3. Due to the presentation, layout and lack of references to GM, there **must** be a more user-friendly approach to EASA material. This comment will probably be made repetitively as we go into the next stage. We should push for the development of (intuitive) software applications to aid accessibility of the rules, the AMC's and references to Guidance Material.

4. SMS' are a new arrival. It might be useful to have a diagram to support the rules that adds a pictorial element by means of an introduction of where SMS fits into the whole panoply of Safety management in a small business.

5. Hazard Identification should be preceded by the word "proactive" for Small Operators as with Other Operators and Change Management requirements are especially important and often lacking with Small Operators.

6. It is very important to identify a common set of safety risks to Business Aviation, in the same spirit as the CAA's "airlines significant seven". This would be a worthwhile EBAA/IBAC initiative on behalf of the industry and could feed into the operators SMS' when appropriate.

7. The relationship between the Management Systems, Safety Management System, Quality System and Compliance Monitoring can be confusing. There appears to be overlap between the Compliance Monitoring requirements and the Quality Departments, auditing activities. Once again, in line with the principles of performance based rulemaking, the question of complexity and size of operation should determine how this requirement can best adequately be accomplished and by whom.

comment

904

comment by: *Royal Danish Aeroclub*

The Royal Danish Aeroclub have a general comment.

Organisations for members only, run by aeroclubs should have the same possibilities as they have today.

It is important to keep the volunteer based clubs and organisations in our society - and not only create rules for the professional run company.

comment

1020

comment by: *Fédération Française Aéronautique*

**FFA general comments on EASA NPA 2008-22c**

All the FFA comments are only related to aeroplanes as defined in subpart A in FCL 010. They do not concern sailplanes or balloons.

The 580 French powered flying aero-clubs or associations, and their 45,000 private pilots, gathering together in the FFA, act as :

Small air operators,

Small ATOs,

Small aerodrome operators,

They are non profit organisations, managed by unpaid volunteers.

FFA strongly supports the concept of non complex aeroplane and ELA, the concept of a Leisure Pilot Licence, and the concept of a LAFI certificate.

But FFA does not support at all the change of "registered training organisations" included in the JAR-FCL1, into "Approved Training Organisations" laying in the Essential Requirements of Basic Regulation. FFA believes that this major change is a real mistake and shows a total ignorance on the real life of thousands of aero-clubs and associations throughout Europe.

FFA thinks that a "Very small training organisations" must be defined in addition to "large ATO" and "small ATO" definitions given in AMC1 and AMC2 to OR GEN 215.

**So, FFA proposes** the following definition of a "**Very small flight training organisation**" : *A non commercial, non profit, flight training organisation, providing training for Basic LPL, LPL, and PPL only, on non complex aircraft, in VFR conditions (night rating or IMC rating included), and possibly managed by volunteers.*

In the following comments, the words "Very small organisation" refers to this

definition.

If an approval is necessary for all flight training organisations, **an adapted and specific "Light approval procedure" must be implemented** for this "Small flight training organisations"

FFA requests that organisations will be offered, for free by EASA, booklets specific to each type of organisation that will contain the whole requirements related to its activity. The E.Tool proposed by EASA seems interesting to work on published NPAs (this point still to be confirmed), but not adapted to a current use in "Very small" or "Small ATO".

FFA asks for clarification about the vocabulary used by EASA. Although this NPA deals with the implementing rules, the text often refers to requirements, which are supposed to be reserved to the Essential Requirements of the regulation (EC) 216/2008.

FFA insists upon adding "Basic LPL" every time a provision deals with "LPL and PPL". For instance, it should read "ATOs providing training for *Basic LPL*, LPL and PPL". The reason is that the Basic LPL is a license by itself and shall not be forgotten. Legal certainty!

The fact that the basic LPL could be considered as a subpart of the whole LPL which in turn could be considered as a subpart of the PPL shall not lead not to consider it as a regular licence, as the others.

comment

1302

comment by: TAP Portugal

(General Comments)

There should be a choice for (currently) separately approved organizations (such as TRTO, AeMC etc) to be part of the general organization approval or not. For clarity, this should be explicitly stated.

Generally, the NPA tries to address both the "single-privilege" organisation (e.g. Operator only) and the multi-privilege organization (e.g. Operator, ATO, AeMC) at the same time, which leads to many inconsistencies in the rules due to the numerous possible organization setups.

comment

1303

comment by: TAP Portugal

(General Comments)

It is quite difficult to make comments on this part without having read the whole NPAs related to Ops & FCL.

NPA 2009-02 adds AMCs to these subparts which shows that all NPAs are linked together and a non exhaustive reading may lead to inefficient comments.

All comment periods should be aligned and sufficient time should be left in order to :

- Familiarize with this totally new structure
- Read every part in detail and find all the links between the different subparts
- Get the missing documents (for example, NPA on TCO, CS-MMEL, CS-Pilot Type Rating
- Ask questions to EASA as many parts raise questions
- Write comments.

This process cannot be fully implemented in the timeframe provided by the Agency.

More time and a cooperative way of working are needed to produce a good regulation.

comment

1304

comment by: TAP Portugal

(General Comments)

From the viewpoint of current Part 145 organisations with respect to SMS, the following questions can be raised and observations can be made in support of the general comment:

- The "Hazard identification processes" and "Risk assessment and Mitigation processes". What the one organisation considers a hazard, the other does not. And that might create huge differences across the board in follow-up and mitigation activities. We sense a non-level playing field. Although it will be difficult to make a definition of "hazard" , we feel there is a need to create one.
- "Clearly defined lines of safety accountability". The question arises as to what the accountability structure will be for organisations under the new concept of certification. For instance, will there be an accountable manager for Part OR? If, under the proposed concept of certification, there is no more accountable manager for Part 145, would then for Part 145 the ultimate accountability for safety rest with the accountable manager of Part OR , or if such a function does not exist, would it rest with the accountable manager for the complete organisation ?
- SMS: Safety Performance monitoring and measurement: iv: safety audits. What is exactly meant here ? Should this not be part of Compliance Monitoring? We need a proper definition.
- SMS: the Safety Manager. Again, is there only one Safety Manager for the complete organisation with all its aviation activities? And is there one Safety Review Board and one Safety Action Group? Or , if there still is an accountable manager for the Part 145, then we assume we will be able to arrange these activities under the Part 145 approval.
- The Organisation Manual: is there only one manual for the complete organisation with all its aviation activities or will there still be documents such as the MOE? In other words: what will the new document structure be?
- "Compliance monitoring" as opposed to Quality Management and Quality Assurance. This NPA also lacks a definition of "compliance monitoring". We feel there is a strong need to properly document the interrelationship between Risk management, Safety management, Compliance monitoring and the current concept of Quality Management and Quality Assurance
- SMS is intended to go "beyond compliance"; therefore the Quality Manager should not be called and seen as Compliance Manager as this would limit his scope. Compliance clearly is only a subdivision / one element of Quality.

comment

1305

comment by: TAP Portugal

(General Comments)

**Relevant text:** General Comment

**Comment:** In case of commercial air transport, the manual requirements are rather confusing and do not provide legal certainty. We do not see any safety justification for EASA's proposal which is a fundamental departure from EU-OPS.

**Proposal:** realign with EU-OPS, focussing on an OM with 4 parts

comment

2300

comment by: *DSvU*

Danish Soaring Association has been deeply involved in comments from the Royal Danish Aeroclub and comments from European Gliding Union as well. As these organizations comment on NPA 2008-22 (a,b,c) they express our opinion in all aspects, and we therefore do not intend to repeat what already has been noticed – only that these regulations will not work in a voluntary environment such as gliding among others. They have to be revised in accordance with what is said from national aeroclubs, Europe Air Sport and European Gliding Union.

**TABLE OF CONTENTS of NPA 2008-22**

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comment

1937

comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

**EPFU** asks for a more developed and detailed table of contents

**TABLE OF CONTENTS PART-OR**

p. 3

comment

34

comment by: *CAA Belgium*

dd

comment

1021

comment by: *Fédération Française Aéronautique*

FFA strongly requests a detailed table of contents of Part OR.

EASA cannot, at the same time, urge for implementation of a new set of rules, and just provide the stakeholders with a so limited table of contents. Moreover, a quick reference table should be made available to the users.

**B. Draft Rules - III. Draft Opinion Part-OR**

p. 4

comment

140

comment by: *British Gliding Association*

The British Gliding Association is currently the organisation that delivers gliding flight training in the UK. Through its training organisation, managed and staffed almost exclusively by volunteers, the BGA training organisation provides the training required to exceed the requirements of ICAO Annex 1 (glider pilot licencing) and satisfy existing Law.

While the BGA understands the need for standardisation and the need for detailed rules for *commercial air transport and complex aircraft training*, there is no safety case in gliding that would require regulation beyond that which would standardise existing practices across the member states. This will of course require dialogue between EASA and the gliding federations through the European Gliding Union.

The European gliding community, like other air sport communities, finds that safety is increased through the adoption by the air sport of self regulation and

high levels of pilot 'currency'. Prescriptive regulation has an adverse affect on recreational attitudes to safety. The costs associated with regulatory burden reduce the amount of flying carried out by sporting pilots. The long term negative effect on piloting skill and therefore safety is well understood.

The BGA is concerned that the views of the European gliding community and its collective experience, safety data and knowledge were not consulted during the development of the NPA 2008-22 and associated RIA. Indeed, the BGA is disappointed that regulatory proposals which have the potential to adversely affect gliding have been developed without the drafting group understanding the risk that EASA is attempting to mitigate.

The BGA has provided comments in this NPA that it hopes will allow EASA to understand that the proposals with NPA 2008-22 are clearly not written with gliding training organisation in mind. **The following comments within this NPA response are made despite the BGA view that the proposals within NPA 2008-22 in its present form are disproportional, are not based on a measured safety case, do not address the complexity, volunteer nature and specific needs of sport gliding and therefore are not fit for purpose in a gliding training organisation context.** The BGA would strongly welcome the opportunity to work with EASA through the European Gliding Union and Europe Air Sports to develop a revised approach to this rulemaking task that takes into consideration the needs of the European gliding community as well as those of EASA.

comment 685 comment by: *Aero-Club of Switzerland*

Question: Will there be "non-approved" training organisations?  
We think of training organisations for "Annex II" aircraft or training organisations in a transformation phase.

comment 1677 comment by: *CAA CZ*

ATO audit report specimen in Part OR should be added, as e.g. in Part 147 - EASA Form 22 (AMC 147.B.110(a) and Appendix III) and was - JAA Standard Document N° 152 (see AGM/JIP, Section Five, Part 2, Chapter 15).

## **B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN**

p. 4

comment 164 comment by: *DGAC FRANCE*

**General comment**  
In Part OR and specifically OR.GEN.015, the word « approval » means, among other things, certification. In Part AR and specifically AR.GEN.005 (a), the word « approval » used in paragraph 1 doesn't designate the certificates and other attestations and licences, used in 3. This word isn't defined precisely and therefore, only "certification" should be used in PART AR an PART OR, as in the basic regulation

comment 428 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment:

The definition of Organisation should be deeper specified. Subpart "Air Operators" is completely missing.

Proposal:

Air Flight Operators should be completely included or completely excluded in NPA 2008-22.

comment

1035

comment by: *European Gliding Union (EGU)*

Page 4

OR.GEN.001

The initial wording of the NPA indicates clearly by using the terminology 'place of business' that this is another paper meant for commercial air traffic applications. The Deutscher Aero Club e. V is a non profit organisation with "activities" i.e. training, maintenance etc. spread all over Germany. The activities are purely performed for the members without any financial interest.

Recommendation: For application with General Aviation and here specifically air sports the term needs to be altered into either "activities" or "interest"

comment

2156

comment by: *EUROCONTROL*

### **Scope**

As stated in the paragraph 23 of the NPA 2008-22a:

*"the objective of the Agency [EASA] was to develop operational rules that would be integrated in a global regulatory system for aviation safety, covering not only airworthiness, but also in the future the safety regulation of air traffic management / air navigation services (ATM/ANS) and aerodromes. All these considerations lead the Agency [EASA] to conclude that changing the way rules are structured and presented could provide for better consistency and facilitate their use by the regulated persons".*

This is the main reason why this NPA is of particular interest to EUROCONTROL.

The EUROCONTROL comments on the NPA 2008-22 are however confined to its possible impact on the development of Implementing Rules (IRs) as part of the extension of EASA responsibilities in the ATM/ANS field.

Moreover, the comments do not prejudice on any future contribution of EUROCONTROL in the Formal Rulemaking Groups which will develop these implementing rules.

Therefore the comments will address only:

- The structure of the EASA Requirements - 2008-22a (pages 10-14).
- the Authority Requirements (2008-22b), subpart GEN (pages 4-11) and associated AMC
- the Organisation Requirements (2008-22c), subpart GEN (pages 4-10) and associated AMC

The comments do not cover all the details, as this will be the work of the Formal Rulemaking Groups.

### Organisation Requirements (2008-22c)

The general requirements of 2008-22c tackle a number of aspects already covered by ESARRs / EC regulations/ directives in the ATM domain. This should not lead to conflicting provisions or departure from original wording. In addition, the way the NPA tackles the requirements for organisations gives the impression of "cherry picking". We always advocate that the extension of EASA responsibilities to ATM/ANS should entail a full transposition of existing safety requirements.

General comments on the ORs.

There are several cases where provisions which are mandatory today in European/international Law (for ATM, mainly Regulation 2096/2005 – CRs - and corresponding ESARR 3, 4 and 6 requirements) are downgraded to AMC level. The approach taken to the drafting and subsequent approval of ESARRs was the "objective based" regulation. The CRs are reflecting this approach as the requirements for SMS are transposed from ESARRs.

Therefore these requirements are already high-level and the balance made by SRC and confirmed when transposing ESARRs into EU Law should be adopted by EASA.

One good example of this downgrading is illustrated by the requirements for Risk assessment and mitigation (RAM).

The provisions for explicit Risk assessment and mitigation are in the AMC to OR.GEN.200.

One organisation, implementing the requirements in OR.GEN can choose to do it by implementing the AMC proposed by EASA or by a different alternative means.

In the case of changes to ATM functional system, one ANSP could choose an alternative means to RAM. However, in the ATM today, the RAM requirements in ESARR 4 and CRs are the means of ensuring that the risks associated with all changes to the ATM functional system are managed within safety levels and they are already EU Law.

The only explicit reference to a Safety Management System – SMS is in the AMC!

Currently, both SES and ICAO require service providers to implement SMS. We would therefore propose that the regulatory approach taken by EASA should reflect the use of SMS, which has been developed and implemented over many years as a central principle of safety in ATM.

More details of the overlap between requirements already covered by ESARRs / EC regulations/ directives and the balance Requirements/AMC proposed in the NPA are to be found in the Matrix between the EUROCONTROL / SES requirements and the EASA Essential Requirements/ proposed AR and OR in NPA 2008-22, as contributed in the framework of the EASA ATM/ANS Group.

## B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1

p. 4

comment

693

comment by: *Royal Danish Aeroclub*

Royal Danish Aeroclub have with big worries read the proposed regulation. We have to underline that we do see the regulation for to much for volunteer based organisations. Implementing the regulations in the suggested form will

be very harmful to the air sports and the privat flying done in clubs.

It is important to keep regulations simple and easy to understand for the volunteer instructor and the volunteer manager.

The suggested regulations do maybe fit big commercial operators - but is not able to help the flying clubs and federations.

Furthermore, we do see regulations suggested in an area where the normal private consumer protection should be enough. There is no reason for EASA to start implementing regulations in the area "financial results and reporting". It is not fair for private operators to have other business demands than other branches. Selling service (flight instruction etc.) should not have special and more demanding regulations that selling service in other areas (i.e. selling diving courses). We do of course support regulations for safe flying, but not for safe business.

comment

2060

comment by: MOT Austria

a. Change the following in (a) (2)

a) For the purpose of this Part, the competent authority shall be:

(2) In the case of Flight Simulation Training Devices (FSTDs):

(i) For FSTDs **the authority designated by the Member State where the training organisation using the FSTD has its principle place of business.**

~~used by training organisations certificated by the Agency, or FSTDs located outside the territory of the Member States or FSTDs located within the territory of the Member States, if so requested by the Member State concerned, the Agency;~~

~~(ii) In all other cases, the authority designated by the Member State where the training organisation using the FSTD has its principle place of business.~~

For FSTDs used by training organisations having their principle place of business located in a third country or FSTDs located within the territory of the Member State, if so requested by the Member States concerned, the Agency;

Justification:

Rewording to make clear, principally the NAA of the MS where the FSTDs are located is the competent authority, the Agency only in specific cases. The competence is adequately regulated in the basic regulation, the text would be not required.

comment

2061

comment by: MOT Austria

OR.GEN.001 last sentence

For the purpose of this Part, principal place of business is intended to means the

**head office of the** organisation site from which the majority of the organisation's management personnel specified in OR.GEN.210 directs, controls or coordinates its operational activities, ensuring that the organisation complies with the requirements of this Part. **within which the principle financial functions and operational controls of the activities approved in line with the relevant articles of the Regulations are exercised.**

Justification:

This should be in line with the basic regulation (EC) 216/2008 and (EC) 1008/2008.

but it is recommended to transfer the definition of "principle place of business" to a generic section definition.

comment 2309

comment by: DGAC FRANCE

The scope of OR should be clearly defined.  
It is understood that OR applies only to "organisations" and not to products or persons. This should be clearly stated. In some paragraph it deals with persons which is contradictory with the title.

The generic part of the OR is very short, and it is wondered why it could not be repeated in specific parts related the specific activities : OPS, ATO, ...

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 -  
OR.GEN.001 Competent authority**

p. 4

comment 80

comment by: CAE

OR.GEN.001 (b) The definition of Principle place of Business makes it difficult for a Global Organization with management spread out to define its PPOB.  
Prefer:

"For the purpose of this part, principal place of business is intended to mean the organization site from which the majority of the organizations management personnel specified in OR.GEN.210 directs, controls or co-ordinates its operational activities, ensuring that the organization complies with the requirements of this Part or the organization site from which the majority of the training for EASA students is conducted or Legal Entity is established."

comment 116

comment by: Bristow Academy

Suggest inserting:

(a) (1) (ii) .....country, the Agency, ***who may delegate responsibility to the competent Authority of the most appropriate Member State taking into consideration previous approvals issued and common language.***

The rationale behind this being the retention of the relationship & trust between the National Authority and the ATO which will have taken considerable time to develop and should be retained.

comment 120

comment by: DCA Malta

**OR.GEN001 (a) (2)**

Text is not clear and there can easily be confusion between the use and the operation (provision) of an FSTD, that is, between what is now called 'user approval' and the actual FSTD certification.

comment 163

comment by: DGAC FRANCE

**OR.GEN.001 (a)**

Comment

1. « competent authority » must be defined in AR and not OR. In fact the mention of products (FSTD) in OR is very confusing. Placing the definition of

the competent authority in PART AR will avoid this difficulty

2. « Principle place of business » need also to be defined in AR according to the new definition agreed in the Regulation 1702.

comment 209

comment by: ECA- European Cockpit Association

Comment on paragraph (b): change text as follows:

(b) For the purpose of this Part, principal place of business ~~is intended to mean~~ means the organisation site from which the majority of the organisation's management personnel specified in OR.GEN.210 directs, controls or coordinates its operational activities, **and it carries out the largest part of its flights in or from the Community**, ensuring that the organisation complies with the requirements of this Part.

Justification:

ECA thinks that the phrase 'the PPB is "intended" to mean' is not appropriate. Either it means it or there should be another definition. It is a weak statement and should be strengthened, as the competent authority shall be in all cases that of the place where the airline has the majority of its flights, in order to avoid operators shopping around for the most "lenient" authority to obtain its AOC.

The Commission has stated several times in different regulations that there is a strong link between economic regulation and safety. The proposed text is not clear enough and leaves room for interpretation. In particular, there is a lack of clarity as to what is considered as "operational activity" and when this activity is deemed to be "substantial".

comment 254

comment by: CAE

OR.GEN.001 (a) (1) (ii) Training organizations that have a long history with one member state authority would like to not risk unnecessary change to their operations by changing member state authorities. Prefer:

"for organizations having their principle place of business located in a third country, the Agency, who will have direct oversight using EASA resources or will delegate responsibility to the most appropriate member state taking into consideration previous approvals and common language."

comment 268

comment by: Susana Nogueira

(a)(2)(ii) This paragraph need clarification. We propose the following text:

In all other cases, the authority designated by the Member State where the FSTD **is located**

For example: A FSTD located in France with certification issued by French Authority operated by a FTO/TRTO approved by Spanish Authority. According to the draft text, the competent Authority should be the Spanish Authority, according our proposal the competent Authority should be the French Authority, and this is right in our opinion

comment 269

comment by: Susana Nogueira

(a)(2)(i) change 'used' by '**operated**'

comment

309

comment by: UK CAA

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**Paragraph No:** OR.GEN.001 (a)(2)

**Comment:**

The means of identifying the competent authority for the purposes of FSTD qualification has been changed from that presented previously by EASA. The competent authority for FSTD qualification and issue of the related certificate would more appropriately be that designated by the Member State where the FSTD is located.

**Justification:**

EASA has clearly identified in documented presentations made to the Expert Group and to the wider industry through the RAeS Flight Simulator Conference and other forums that the responsibility for qualifying simulators located in a Member State will be that MS's responsibility. Such a system is appropriate because the qualification and certification of the FSTD equipment on the basis of Certification Specifications is independent from the approval of the ATO that operates the FSTDs. The ATO approval will address the management systems of the ATO and whether there is satisfactory compliance monitoring of all the organisation's FSTDs wherever they are located. Certification of the FSTDs by different competent authorities in no way undermines that approval process.

Responsibilities for certification and approval are different and allocated to the most appropriate competent authority. Cooperation between the competent authorities involved will be necessary, in accordance with AR.GEN.030 (sharing of information) and AR.GEN.355 (activities in more than one Member State), taking into account CAA proposed amendments to those requirements. Specific guidance material on how such cooperation should work with regard to ATO approvals and FSTD qualification / certification would be appropriate.

An FSTD qualified by the state of location to standardised Community regulatory standards will allow better use of limited specialist inspecting expertise, will reduce resource requirements (reduced travel) for the inspectors and associated costs to industry without affecting the qualification standards.

**Proposed Text (if applicable):**

Proposed revised text for OR.GEN.001 (a)(2): -

(2) In the case of Flight Simulation Training Devices (FSTDs):

(i) For FSTDs located outside the territory of the Member States or FSTDs located within the territory of the Member States, if so requested by the Member State concerned, the Agency;

(ii) In all other cases, the authority designated by the Member State where the FSTD is located.

comment

381

comment by: OAA Oxford

Clarification required. OR.GEN.210 refers to the Accountable Manager and 'A person or group of persons'. In the case of a group of company's, this suggests that the geographical location of the company at which the Accountable Manager is based determines the appropriate competent authority.

Is this the intention?

comment 596

comment by: *Ryanair*

**COMMENT**

(2) In the case of Flight Simulation Training Devices (FSTDs):

(i) For FSTDs used by training organisations certificated by the Agency, or FSTDs located outside the territory of the Member States or FSTDs located within the territory of the Member States, if so requested by the Member State concerned, the Agency;

**PROPOSAL**

Could you please clarify this section by answering the following question?

For Ryanair, whose ATO Competent Authority will be the IAA but who will have several FSTDs located throughout Europe, in the case of Flight Simulation Training Devices, who will be the competent Authority: -

1. The IAA?
2. The local Authority?

The Agency?

comment 598

comment by: *Heliswiss AG, Belp*

OR.GEN.001 (b)

Principal place of business should mean the legal seat of the company. All other definitions make no sense, because the company can legally only be influenced through their legal seat. If the competent authority of the country where the organisation's major management personnel is located, must take steps against this company, it will be much more difficult if the legal seat is in another member state of the Community.

comment 617

comment by: *Heli Gotthard*

OR.GEN.001 (b) Principal place of business should mean the legal seat of the company. All other definitions make no sense, because the company can legally only be influenced through their legal seat. If the competent authority of the country where the organisation's major management personnel is located, must take steps against this company, it will be much more difficult if the legal seat is in another member state of the Community.

comment 640

comment by: *Air Grischa Helikopter AG*

OR.GEN.001 (b)

Principal place of business should mean the legal seat of the company. All other definitions make no sense, because the company can legally only be influenced through their legal seat. If the competent authority of the country where the organisation's major management personnel is located, must take steps against this company, it will be much more difficult if the legal seat is in another member state of the Community.

comment	664	comment by: <i>Berner Oberländer Helikopter AG BOHAG</i>
	<p>OR.GEN.001 (b) Principal place of business should mean the legal seat of the company. All other definitions make no sense, because the company can legally only be influenced through their legal seat. If the competent authority of the country where the organisation's major management personnel is located, must take steps against this company, it will be much more difficult if the legal seat is in another member state of the Community.</p>	
comment	703	comment by: <i>OAA Oxford</i>
	<p>(2) (1) States that the Competent Authority "for FSTDs used by training organisations certificated by the Agency, or FSTDs located outside the territory of the Member States or FSTDs located within the territory of the Member States, if so requested by the Member State concerned, the Agency.</p> <p>This could indicate that FSTDs operated within FTOs operating outside of a Member State territory would be regulated separately by the Agency and not the appropriate State, as determined by the place of business criteria, who would provide regulation for the ATO.</p> <p>Recommendation: If it is the intent, we would contend that multi agency regulation is unnecessary and that the the Member State should be responsible for all FSTD qualification within an ATO.</p> <p>If this is not the intent please clarify wording</p>	
comment	705	comment by: <i>Stefan Huber</i>
	<p>OR.GEN.001 (b) Principal place of business should mean the legal seat of the company. All other definitions make no sense, because the company can legally only be influenced through their legal seat. If the competent authority of the country where the organisation's major management personnel is located, must take steps against this company, it will be much more difficult if the legal seat is in another member state of the Community.</p>	
comment	736	comment by: <i>CAA-NL</i>
	<p><u>Comment</u> It should be made clear in the Regulation at issue that the organisation requirements in PART-OR as yet only apply to air operations and pilot licensing.</p> <p><u>Text proposal</u> None</p>	
comment	826	comment by: <i>AEA</i>
	<p>For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.</p>	
response	<i>Not accepted</i>	

OR.GEN.001 regulates which is the competent authority.

comment

827

comment by: AEA

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

comment

845

comment by: Aero-Club of Switzerland

We can agree to the idea, that "groups" have a legal entity as far as they are on an official register. However, as non-profit organisations, the word "business" is not adequate.

Proposal: Please write "activity"

Justification: "business" is too near to the term "commercial". Much of the flying training is done on a voluntary base, not for profit.

comment

876

comment by: Boeing

OR.GEN.001

Para

Page 4

(a)(1)(ii)

Add the following to the end of subparagraph (a)(1)(ii):

***"...who will have direct oversight using EASA resources or will delegate responsibility to the most appropriate Member State taking into consideration previous approvals and common language."***

**JUSTIFICATION:** ATOs that have a long history with one Member State authority will not want to risk unnecessary change or disruption to their operations by changing Member State authorities.

comment

981

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Comment:**

We support the idea that the management of an organisation must be included in a definition but it cannot be the only requisite. The majority of the management personnel in an organisation might alter from time to time. This could create confusion between different authorities as to whether an authority is competent or not. Therefore, in order to bring more stability into this concept, the head office of an organisation or, if any, its registered office must also be included in the definition. Furthermore we suggest that a freezing period of the principal place of business is introduced for one year. The said is based on an assumption that the head office or, if any, registered office remains in the Member State unchanged. The definition of principal place of business in (b) is also linked to fees and charges in order to finance the different activities of a Competent Authority. A good example of a definition of Principal Place of Business can be found in article 2 (26) of Regulation (EC) No

1008/2008. However, the definition in this Part must be of a more generic nature.

We would also like to emphasize that it is the organisation that primarily has to point out its principal place of business in its application for an organisation approval. The authority that receives the application must evaluate and decide whether it is competent to try the application. If the authority is not competent it has to dismiss the application.

If an organisation's principal place of business is different than the organisation address (registered office) this information should be stated in the application.

**Proposal:**

1. Revise text in accordance with our above comments and use definitions that are already accepted in EC legislation, such as the definition of principal place of business in Regulation (EC) No 1008/2008.
2. Introduce a freezing period of the principal place of business.
3. As regards AOC holders, the definition of "principal place of business" *must* coincide with the definition in Regulation (EC) No 1008/2008.

comment

1064

comment by: *EUROPEAN GLIDING UNION*

OR.GEN.001

The use of the terminology 'place of business' indicates that these rules are written from a commercial perspective. Although gliding federations and their clubs operate using appropriate commercial acumen and good practice in order to exist and thrive, they do not operate as for-profit commercial operations but rather organise activities for their members on a not-for-profit basis. The key distinction is that any financial surpluses in members' clubs are not distributed to 'owners' but are re-invested in the development of the club for members' benefit.

Proposal. Change the wording "business" to "activity".

comment

1147

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**a)**

**COMMENTS**

(a) The Competent authority is defined "for the purpose of this part", while in parallel, no such definition is given for part-AR. For an organization, if there are different agreements/activities, the competent authority shall be defined according to this. Moreover, for organizations with activities in various member states, the competent authority of the principle place of business shall be the coordinator of all competent authorities involved.

**PROPOSAL**

If the so-given definition of the Competent authority applies both for part OR and part-AR, sentence could be rewritten " for the purpose of part-OR and part AR ..."

If the so-given definition applies to a wider range, it might be explained in specific part of the EASA regulation framework may contain a comprehensive and exhaustive list of definitions, applicable to the whole EASA regulation

**JUSTIFICATION**

(See comment AR-GEN-005)

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Comment

*At this step, terms and definitions appear unclear.*

Proposal

*We suggest a specific part of the EASA regulation framework may contain a comprehensive and exhaustive list of definitions, applicable to the whole EASA regulation, which is the best way to have consistent definitions.*

Justification

*This might be a legal issue regarding the scope of understanding and cause problems of reading*

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\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*

*This disclaimer has to be considered as an integrative part of the following comment.*

comment	<p>1222 <span style="float: right;">comment by: <i>Swiss International Airlines / Bruno Pfister</i></span></p> <p>For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.</p>
response	<p><i>Noted</i></p> <p>See response to comment 826 above.</p>
comment	<p>1294 <span style="float: right;">comment by: <i>Virgin Atlantic Airways</i></span></p> <p>With regards to FSTDs located in third countries, the Agency should seek to achieve bilateral agreements with third country Authorities.</p>
comment	<p>1295 <span style="float: right;">comment by: <i>Virgin Atlantic Airways</i></span></p> <p><b>Relevant text:</b> (b)</p> <p><b>Comment:</b> The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. This will lead to confusion.</p>
comment	<p>1307 <span style="float: right;">comment by: <i>TAP Portugal</i></span></p>

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.001 Competent authority

For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.

comment 1308 comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.001 Competent authority

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

comment 1350 comment by: KLM

For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.

comment 1352 comment by: KLM

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

comment 1407 comment by: Deutsche Lufthansa AG

For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.

comment 1422 comment by: Deutsche Lufthansa AG

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

**Proposal:**

In line with the EASA claim that no rule shall appear more than once: refer to 1008/2008 as the first and therefore traditional place where this definition has been made, as a repetition of the definition will lead to **incompatibility with EU ruling principles. No thing must be duplicated ! Under no circumstances ! Never !**

comment 1495 comment by: BMVBS (MoT Germany)

The definition of 'principal place of business' differs from the definition in Regulation No. 1008/2008 (article 2, No. 26). Since this regulation is binding Community Law the definition in the implementing rule shall be adapted accordingly in order to ensure consistency and legal clarity.

Recommended amendment of the text:

~~(b) For the purpose of this Part, principal place of business is intended to mean the organisation site from which the majority of the organisation's management personnel specified in OR.GEN.210 directs, controls or coordinates its operational activities, ensuring that the organisation complies with the requirements of this Part. 'principal place of business' means the head office or registered office of an organisation in the Member State within which the principal financial functions and operational control, including continued airworthiness management, of the organisation are exercised.~~

comment 1570 comment by: bmi

For FSTDs located in a third country, the Agency should as a matter of priority work on establishing bilateral agreement with third country Authorities. The aim should be to avoid duplicated oversight and associated burden for industry and authorities

comment 1572 comment by: bmi

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Could lead to confusion.

comment 1642 comment by: CAA CZ

OR.GEN.001 (a)(2), page 4

We recommend clearly divide the rules for FSTD user and for FSTD operator.

response *Noted*

The paragraph clarifies competencies, but does not contain rules for FSTD users and for FSTD operators.

comment 1749 comment by: Norwegian Air Sports Federation

(a)

(1)

Most air sports organisations are not making any business.

Proposal. Change the wording "business" to "activity".

comment 1785 comment by: Swiss International Airlines / Bruno Pfister

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

**Proposal:**

In line with the EASA claim that no rule shall appear more than once: refer to 1008/2008 as the first and therefore traditional place where this definition has been made, as a repetition of the definition will lead to **incompatibility with EU rule making principles. No thing must be duplicated ! Under no circumstances ! Never !**

comment 1809 comment by: AIR FRANCE

For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.

comment 1810 comment by: *International Air Transport Association (IATA)*

For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.

comment 1811 comment by: *AIR FRANCE*

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

comment 1812 comment by: *International Air Transport Association (IATA)*

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

comment 1892 comment by: *DCAA*

(b) (b) This article includes the 4. definition of "Principal Place of Business" we have seen for the past few months. One common definition should do.

comment 1939 comment by: *IACA International Air Carrier Association*

(a)(1)(i)

This will change the current competency dramatically when applying to Part-21 Design Organisations, since with the creation of EASA, the competence for certification and airworthiness was taken from NAAs and centralised within EASA.

How can an organisation hold a single approval certificate with different competent authorities? e.g. an operator has to deal with the authority of its principal place of business of its air operations but with EASA for its DOA ?

comment 1960 comment by: *Walter Gessky*

a. Change the following in (a) (2)

a) For the purpose of this Part, the competent authority shall be:

(2) In the case of Flight Simulation Training Devices (FSTDs):

(i) For FSTDs **the authority designated by the Member State where the training organisation using the FSTD has its principle place of business.**

~~used by training organisations certificated by the Agency, or FSTDs located outside the territory of the Member States or FSTDs located within the territory of the Member States, if so requested by the Member State concerned, the Agency;~~

~~(ii) In all other cases, the authority designated by the Member State where the training organisation using the FSTD has its principle place of business.~~

For FSTDs used by training organisations having their principle place of business located in a third country or FSTDs located within the territory of the

Member State, if so requested by the Member States concerned, the Agency;  
Justification:

Rewording to make clear, principally the NAA of the MS where the FSTDs are located is the competent authority, the Agency only in specific cases. The competence is adequately regulated in the basic regulation, the text would be not required.

comment 1962 comment by: *Walter Gessky*

OR.GEN.001 last sentence

For the purpose of this Part, principal place of business is intended to mean the

**head office of the** organisation site from which the majority of the organisation's management personnel specified in OR.GEN.210 directs, controls or coordinates its operational activities, ensuring that the organisation complies with the requirements of this Part. **within which the principle financial functions and operational controls of the activities approved in line with the relevant articles of the Regulations are exercised.**

Justification:

This should be in line with the basic regulation (EC) 216/2008 and (EC) 1008/2008.

but it is recommended to transfer the definition of "principal place of business" to a generic section definition.

comment 2050 comment by: *ERA*

For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.

The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

comment 2117 comment by: *CAA Norway*

OR.GEN.001(a)(2)

It needs to be clarified if this refers to the FSTD user or operator

comment 2167 comment by: *Icelandair*

For FSTDs located in a third country, the Agency should be able to have bilateral agreement with third country Authorities.

comment 2168 comment by: *Icelandair*

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

comment 2169 comment by: *Icelandair*

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Will lead to confusion.

comment 2257 comment by: *Europe Air Sports PM*

Europe Air Sports (EAS) response - it is not necessary to repeat here the introductory details about EAS and its overall comments as shown in the response to NPA22a.

comment 2268 comment by: *Oxford Aviation Academy*

Paragraph (2)(i) would suggest that for FSTDs located on non-EU Member State 'soil' the competent authority is the Agency. If an organisation, with its principle place of business located in a Member State, operates FSTDs as part of its organisational activities in non-EU Member States, we propose that the competent authority for FSTD oversight is that determined by the principle place of business criteria and not the Agency. Oxford Aviation Academy operates over 50 FSTDs in EU and foreign jurisdictions and it would make sense to have one competent authority responsible. We believe there is no safety case to justify otherwise, especially as the devices are operated within the overall ATO approval.

comment 2324 comment by: *FINNAIR*

For FSTDs outside the EU, the Agency should be mandated for co-operation with the applicable Authority; bilateral agreements/approval processes in order to rationalise the work and to lower the costs.

comment 2328 comment by: *FINNAIR*

Relevant text: (b)

Comment: The definition of 'principal place of business' differs from the definition in article 2, sub 26 of EU 1008/2008. Could lead to confusion. Should be lined up.

comment 2439 comment by: *FlightSafety International*

Add "who will have direct oversight using EASA resources or will delegate responsibility to the most appropriate member state taking into consideration previous approvals and common language."

Training organizations who have a long history with one member state authority would like to not risk unnecessary change or disruption to their operations by changing member state authorities.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.010 Definitions**

p. 4-5

comment 147 comment by: *Civil Aviation Authority of Norway*

The defintions are only related to flight training devices, and should therefore be transferred to Subpart ATO.

comment	200	comment by: DGAC FRANCE
<p><b>OR.GEN.010 Definitions</b>  <i>Additional definition:</i>  AFTTO: Approved flight test organisation: organisation whose scope of work is flight test training.</p> <p>Organisation should also be defined.</p>		
comment	249	comment by: RAeS ICFO
<p>To facilitate the adoption future ICAO criteria for FSTDs the use of specific description for types of training devices should be avoided in this section.</p> <p>Replace existing text by:</p> <p>Flight Simulation Training Devices (FSTD)</p> <p>A suite of standardised types of synthetic training devices where the fidelity levels of the simulation features of each one is determined by its training, testing and checking use.</p> <p>and move the existing text to a new AMC to OR.GEN.010 "Types of Flight Simulation Training Devices"</p>		
comment	257	comment by: ECA- European Cockpit Association
<p>Add new definitions on:</p> <p><b>"Small Organisations with 20 or less full time employees"</b> (suggestion to use the definition in JAR AMC OPS 1.035 Quality System Para.7)</p> <p><b><u>"post holder: Manager, acceptable to the Authority, who is responsible for the management and supervision of specific areas. at least the following post holders positions have to be nominated by an AOC holder:</u></b></p> <p><b><u>(1) Flight Operations;</u></b>  <b><u>(2) Maintenance systems;</u></b>  <b><u>(3) Crew training; and</u></b>  <b><u>(4) Ground Operations"</u></b></p> <p>Justification:  There is reference throughout the document to different types of organisation, i.e. 'small' and 'other'. ECA wonders how an AeMC is classified. Clarification is required to enable compliance with the correct requirements.</p>		
comment	271	comment by: Susana Nogueira
<p>Define:  Associated means of compliance</p>		
comment	310	comment by: UK CAA
<p><b>Page No:</b></p>		

4

**Paragraph No:** OR.GEN.010

**Comment:** As noted with respect to paragraphs 27 and 43 of 2008-22a, the lack of definitions for "organisation" and "persons" causes confusion, especially in the area of operations.

**Justification:** Article 3(h) of Regulation (EC) No. 216/2008 (the Basic Regulation) defines an operator as "any legal or natural person, operating or proposing to operate one or more aircraft". In this NPA it seems commercial operators and non-commercial operators of complex motor-powered aircraft are treated as "organisations". However this only becomes evident from reading NPA 2009-02a (paragraph 32). It should be made clear at the very beginning of the general section of OR.GEN – perhaps in the definitions. See also comment against OR.GEN.040

**Proposed Text (if applicable):** "Organisation" includes any commercial air operation and any non-commercial operation of complex motor-powered aircraft".

comment

311

comment by: UK CAA

**Page No:**

5 of 83

**Paragraph No:** OR.GEN.010**Comment:**

Change definition of BITD model to delete reference to "model".

**Justification:**

The definition for BITD has been changed incorrectly from JAR FSTD to add the term "model" which is misleading as the definition is a hardware and software combination. A "model" implies software model only. Additionally the definition is already accepted in the regulatory environment and industry.

**Proposed Text (if applicable):**

Definition of BITD in OR.GEN.010 to read:

*Basic Instrument Training Device (BITD)*

A defined hardware and software combination, which has obtained a BITD qualification.

comment

383

comment by: ALSIM Simulateurs

**Proposed text:**

Qualification Test Guide (QTG).

A document designed to demonstrate that the performance and handling qualities of an FSTD are within prescribed limits with those of the aircraft and that all applicable requirements have been met. The QTG includes both the aircraft and FSTD data used to support the validation.

For FNPT and BITD, it is a document designed to demonstrate that the

performance and handling qualities of an FSTD are representative to those of the aircraft or within the class of the aeroplane and that all applicable requirements have been met. The QTG includes both aircraft and FSTD data, or other sources as deemed necessary by the FSTD manufacturer to support the validation according to the AMC n° 1 to CS-FSTD(A).300.

Comment:

For FNPT and BITD, the source data can come from other sources than a single aircraft datum.  
(In accordance with BOOK 2 SUBPART C – AEROPLANE FLIGHT SIMULATION TRAINING DEVICES AMC No. 1 to CSFSTD(A).300 Qualification basis §1.5.4 page 2-C-2)

comment 599 comment by: *Heliswiss AG, Belp*  
A definition of "small organisation" should be implemented for better overview.

comment 618 comment by: *Heli Gotthard*  
A definition of "small organisation" should be implemented for better overview.

comment 641 comment by: *Air Grischa Helikopter AG*  
A definition of "small organisation" should be implemented for better overview.

comment 665 comment by: *Berner Oberländer Helikopter AG BOHAG*  
A definition of "small organisation" should be implemented for better overview.

comment 706 comment by: *Stefan Huber*  
A definition of "small organisation" should be implemented for better overview.

comment 828 comment by: *AEA*  
The definitions are only for FSTDs. There is a need for more definitions like :  

- Declaration
- Nominated Post Holder

comment 1022 comment by: *Fédération Française Aéronautique*  
Having noted that the text sometimes refers to an "organisation" and sometimes to "a person" and "an organisation", FFA suggests to specify in this paragraph that an organisation may be constituted by one or more persons, and to use only the term "organisation".

comment 1023 comment by: *Fédération Française Aéronautique*  
FFA considers that it is of great importance to precisely define "Small organisations" as "DOA, POA, CAMO, MOA, MTOA, "Small operators" operating ELA 1 / 2 aeroplanes, "Small ATOs" (or "Very small ATOs") for basic LPL, LPL, PPL, BPL and SPL, AeMCs" in reference with the NPA 2008-22a (page 106 table

48).

comment 1024 comment by: *Fédération Française Aéronautique*

FFA asks for a specific definition for "Small operators" because some rules apply to this category of organisations (for instance, AMC 4 to OR GEN 200 a 7, page 32).

comment 1037 comment by: *European Gliding Union (EGU)*

OR.GEN.010

The definition section only reflects on FSTD.

Recommendation: The definition section needs to be covering all definitions used in this Part OR.

The information given in relation to "small" and "other" organisations is not argument based and must be related to present organisations.

The work done at Deutscher Aero Club is based on volunteers. Only very few people are "employed" and those mainly in member service areas. Pilot training and maintenance is done by volunteers with no contractual connections to the German Aero Club at all.

comment 1066 comment by: *EUROPEAN GLIDING UNION*

OR.GEN.010

Only definitions in relation with FSTD are mentioned.

Proposal. All possible and necessary definitions used in this Part OR are provided here. In addition, a precise and justified description of "small" and "other" organisations should be provided.

The terminology "employed" is generally not applicable to air sport organisations as the activity is carried out by their members who are almost exclusively volunteers including instructors and examiners. Some very large clubs employ a few staff members to support the voluntary activities of the members, but without commercial goals.

comment 1148 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)***COMMENTS**

The terms are exclusively defined "for the purpose of this part", while in parallel, no such definition is given for part-AR. Moreover, they might be used in other parts of the IR.

**PROPOSAL**

If the so-given definitions apply both for part OR and part-AR, sentence could be rewritten " for the purpose of part-OR and part AR ..."

If the so-given definitions apply to a wider range, it might be explained in specific part of the EASA regulation framework may contain a comprehensive and exhaustive list of definitions, applicable to the whole EASA regulation.

**JUSTIFICATION**

For instance, "FSTD" is extensively used in part-AR and in part FCL  
See comment AR-GEN-005 :

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Comments:

*At this step, terms and definitions appear unclear.*

Proposal

*We suggest a specific part of the EASA regulation framework may contain a comprehensive and exhaustive list of definitions, applicable to the whole EASA regulation, which is the best way to have consistent definitions.*

Justification

*This might be a legal issue regarding the scope of understanding and cause problems of reading*

---

*Maintenance organisations regret that definitions only concern operators and not maintenance organizations.*

\*\*\*\*\*

Disclaimer :

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*

*This disclaimer has to be considered as an integrative part of the following comment.*

comment

1198

comment by: French gov - DGA - FRENCH FLIGHT TEST CENTER

*This paragraph must include an additional definition:*

**AFTTO: Approved flight test organisation: organisation whose scope of work is flight test training**

comment

1223

comment by: Swiss International Airlines / Bruno Pfister

The definitions are only for FSTDs. There is a need for more definitions like :

- Declaration
- Nominated Post Holder

comment

1296

comment by: Virgin Atlantic Airways

The definitions are only for FSTDs. There is a need for more definitions, for example:

- Declaration
- Nominated Post Holder

comment 1309 comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.010 Definitions

The definitions are only for FSTDs. There is a need for more definitions like :

- Declaration
- Nominated Post Holder

comment 1354 comment by: KLM

The definitions are only for FSTDs. There is a need for more definitions like :

- Declaration
- Nominated Post Holder

comment 1427 comment by: Deutsche Lufthansa AG

The definitions are only for FSTDs. There is a need for more definitions like :

- Declaration
- Nominated Post Holder
- ...

comment 1496 comment by: BMVBS (MoT Germany)

There are several definitions missing:

- Declaration
- Finding
- Risk
- Compliance Monitoring
- Quality Management

etc.

comment 1577 comment by: bmi

The definitions are only for FSTDs. There is a need for more definitions like :

- Declaration
- Nominated Post Holder

comment 1643 comment by: CAA CZ

OR.GEN.010, page 4

Following definitions should be added:

„**FSTD/STD operator**“ (see page 77, AMC to OR.ATO.370, para 4., page 65, GM 3 to OR.ATO.300, para 3., atd.),

„**senior management**“ (see page 7, 24, 27)

„**training service providers**“ ((see page 28, AMC 1 to OR.GEN.200 (a)(4) 1. b.)

comment	1691	comment by: CAE
	<p>If EASA retains the terms FFS, FTD, FNPT and BITD in the rule language of this NPA 22, then it may become more difficult to align with terminology used in ICAO 9625 edition 3 as this document uses only the term FSTD.</p> <p>CAE recommends that EASA adopts the term FSTD for use in the rule language. (and eliminates the other terms of FFS, FTD, FNPT and BITD)</p>	
comment	1750	comment by: Norwegian Air Sports Federation
	<p>No definitions relevant to air sports organisations are provided.</p> <p><u>Proposal.</u> All necessary definitions used in this Part OR have to be provided here. In addition, a precise and justified description of "small" and "other" organisations must be provided.</p>	
comment	1813	comment by: AIR FRANCE
	<p>The definitions are only for FSTDs. There is a need for more definitions like :</p> <ul style="list-style-type: none"> <li>• Declaration</li> <li>• Nominated Post Holder</li> </ul>	
comment	1814	comment by: International Air Transport Association (IATA)
	<p>The definitions are only for FSTDs. There is a need for more definitions like :</p> <ul style="list-style-type: none"> <li>• Declaration</li> <li>• Nominated Post Holder</li> </ul>	
comment	1963	comment by: Walter Gessky
	<p><b>Delete OR.GEN.010 Definitions</b>  <b>Justification:</b>  <b>Should be deleted fr om the Annex and tr ansferred to the I.R. generic part or to CS-Definition.</b></p>	
comment	2026	comment by: EPFU is the European Union of national powered flying organisation from the 10 main European countries
	<p><b>EPFU</b> notes that some definitions are missing in this paragraph, especially to define non commercial, non profit small training organisations managed by volunteers.</p> <p>Later on, we will comment the unclear and not adapted EASA definition of "Small training organisation"</p>	
comment	2051	comment by: ERA
	<p>The definitions are only for FSTDs. There is a need for more definitions like :</p> <ul style="list-style-type: none"> <li>• Declaration</li> <li>• Nominated Post Holder</li> </ul>	

comment 2063 comment by: MOT Austria

**Delete OR.GEN.010 Definitions**

**Justification:**

**Should be deleted from the Annex and transferred to the I.R. generic part or to CS-Definition.**

comment 2170 comment by: Icelandair

The definitions are only for FSTDs. There is a need for more definitions like :

- Declaration
- Nominated Post Holder

comment 2260 comment by: Europe Air Sports PM

OR.GEN.010

Only definitions in relation with FSTD are provided.

Proposal

All possible and necessary definitions used in this Part OR should be provided here. In addition, a precise and justified description of "small" and "other" organisations should be provided.

The terminology "employed" is generally not applicable to air sport organisations as the activity is carried out by their members who are almost exclusively volunteers including instructors and examiners. Some very large clubs employ a few staff members to support the voluntary activities of the members, but without commercial goals.

comment 2283 comment by: Light Aircraft Association of the Czech Republic

Definitions here are focused on FSTD. Definition of small organisation which is defined in AMC OR.GEN.200(b) would be better here.

comment 2326 comment by: FINNAIR

The definitions are only for FSTDs. There is a need for more definitions like :

- Declaration
- Nominated Post Holder.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 -  
OR.GEN.015 Application**

p. 5

comment 121 comment by: DCA Malta

**OR.GEN.015(b)**

After 'with this Part' add text to show that the organisation has to comply with other relevant Parts.

Otherwise it could mean that the organisation has to show how it will comply with this Part only.

comment	148	comment by: <i>Civil Aviation Authority of Norway</i>
	Such a form should be standardized by the Agency, to ensure a uniform and standardized application process.	
comment	178	comment by: <i>DGAC FRANCE</i>
	<b>OR.GEN.015</b>	
	Title to render more clear	
	The title doesn't establish clearly that it is an application to an approval to a certification	
	<b>Read "A pplication for an o rganisation "certi fication" in stead of "application"</b>	
comment	179	comment by: <i>DGAC FRANCE</i>
	<b>OR.GEN.015</b>	
	The term "approval" is not clear	
	The regulation 216/2008 states that a certificate is any approval, licence or other document issued as the result of certification	
	As such, the term certification should be used instead of "Certificate" , including licences, rating, approval of any kind, with the exception of declaration	
	<b>Replace "Approval" by "Certificate"</b>	
comment	196	comment by: <i>DGAC FRANCE</i>
	<b>OR.GEN.015</b>	
	<b>We don't see the added value of this paragraph since the specific paragraphs on application are existing in each specific parts. This confirms the fact that the new structure is not appropriate.</b>	
comment	270	comment by: <i>Susana Nogueira</i>
	(b) Delete ' <b>in this part</b> '	
	Need comply with requirements established in other parts	
comment	312	comment by: <i>UK CAA</i>
	<b>Page No:</b> 5 of 83	
	<b>Paragraph No:</b> OR.GEN.015(a)	
	<b>Comment:</b> Typographical error	
	<b>Proposed Text (if applicable):</b> "in a manner"	

comment

313

comment by: UK CAA

**Page No:**

5 of 83

**Paragraph No:** OR.GEN.015 (b)**Comment:**

This paragraph requires the applicant to submit documentation demonstrating how they will comply with the requirements and associated AMC. This includes the organisational approval, the privilege to operate simulators and the qualification thereof, but gives no guidance as to what is required. It is proposed that EASA introduce some guidance material to this part to help a new applicant prepare an effective submission.

**Justification:**

Experience in company approval activities (Part 145, part 21 and Part M subpart G for example) shows that at least for an initial company approval, the initial submissions from a potential approved organisation are often poor because they are not aware or do not understand what documentation is required or what would be appropriate to submit. This results in a lot of additional time in reviewing and re-iterating documentation, which is not an effective use of regulatory resource. Guidance material would be of great benefit in assisting new applicants in this respect.

comment

423

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

a)

**Comment:**

The subsequent requirement for the authority to establish the acceptable application form is missing

The competent authority should establish the application form for any approval.

**Proposal:**

To be reviewed

b) "... and associated acceptable means of compliance adopted by the agency."

**Comment:**

With this paragraph the Agency stipulates section 2 material to "rule-status". This without the consultation of the rule-making process and bodies.

**Proposal:**

To be reviewed

comment

737

comment by: CAA-NL

Comment

An applicant may also need to comply with requirements established in other applicable parts.

Text proposal

"(b) Applicants for an initial approval shall provide the competent authority with documentation demonstrating how they will comply with the requirements established in this Part and other applicable parts and associated acceptable means of compliance adopted by the Agency."

comment 873

comment by: DGAC FRANCE

**OR GEN 015b)/ OR GEN 030a)**

Do these § deal with the organisation's approval (that is to say the structure of the operator) or with the approval certificate (that is to say AOC)?

If a new approval is created for the organisation of the operator:

- it should be stated clearly.
- is such an approval required for operators that need a declaration?

DGAC doesn't support the new idea of organisation approval.

If this paragraph deals with approval certificate (that is to say AOC):

- it should be stated clearly which operators are concerned with these paragraph.
- OR GEN 040 seems to give all the information an applicant to a declaration is supposed to give to the Authority. Why is there no such paragraph for the AOC?

comment 1025

comment by: Fédération Française Aéronautique

FFA understands that the form to apply for an approval shall be established and provided by the competent authority. Not by EASA.

Conversely, the form provided under AMC to OR ATO 015 reads "application form for approval of a training organisation".

This is an inconsistency which should be clarified.

FFA favours the former, not the latter.

comment 1038

comment by: European Gliding Union (EGU)

OR.GEN.015

The "form and manner of application" for an approval will be set by the C.A.

Only clear requirements can establish a uniform European wide "form and manner of application". Competent Authorities have to be strictly bound to this requirements in order to have the so often mentioned "level playing field" for all participants.

comment 1069

comment by: EUROPEAN GLIDING UNION

OR.GEN.015

"The form and manner of application for an approval will be set by the CA."

Proposal. The application should be guided by clear EU requirements to ensure that CAs do not add requirements to those required by the rules.

This is to ensure that the so-often quoted "level playing field" is not endangered by NAAs, ending up with (again) 27 different systems, such as is

becoming evident with Part M!

comment

1093

comment by: ECA- European Cockpit Association

Comment:

Further text should be developed for each category of approval, such as ATOs, CAT operators and others. This could be done by the inclusion of it in the content of the Operations manual.

This paragraph should be further developed, as it was in the JAR FCL and OPS, where items of the approval required further approval or which ones need only notification to the Authority. Leaving this power to each NAA with each operator they grant approval is not a good procedure for harmonization. ECA requests to maintain the JAR.OPS 1.1040 b) and i) requirements, the associated IEM and its JIPs.

comment

1149

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

### **COMMENTS**

No AMC or GM are proposed to detail "form and manner established by the competent authority" in order to warranty equity of treatment amongst member states.

### **PROPOSAL**

An AMC shall be dedicated to this concern.

### **JUSTIFICATION**

Obvious

### **Specific to maintenance industry**

« An application for an approval or an amendment of an existing approval shall be made on a form and in manner established by the competent authority »  
This is contrary to European harmonization as each competent authority remains independent.

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the*

*first step of key issues identification.  
This disclaimer has to be considered as an integrative part of the following comment.*

comment 1417 comment by: *Unique (Zurich Airport)*

- Only use the term certification and/or certificate since "approval" seems to be the sameà alternatively call it approval/certificate  
- ADR OR needed explaining the forms and procedures for application  
AMC's needed to support ADR.OR

comment 1497 comment by: *BMVBS (MoT Germany)*

One of the central aspects of the AMC concept is the legally non-binding nature of AMCs. Consequently, applicants have to demonstrate how they will comply with the (legally binding) Implementing Rules. They may use the acceptable means of compliance adopted by the Agency for this task but they do not have to show how they will comply with the AMCs. Therefore, the mentioning of the AMCs has to be deleted here.

Recommended amendment of the text:

(b) Applicants for an initial approval shall provide the competent authority with documentation demonstrating how they will comply with the requirements established in this Part ~~and associated acceptable means of compliance adopted by the Agency.~~

comment 1645 comment by: *CAA CZ*

We recommend to add „and all relevant“:

(b) Applicants for an initial approval shall provide the competent authority with documentation demonstrating how they will comply with the requirements established in this **and all relevant** Parts and associated acceptable means of compliance adopted by the Agency.

comment 1751 comment by: *Norwegian Air Sports Federation*

There is need for an AMC to OR.GEN.015 to ensure equal treatment by all CA's, at least an application form as an Appendix to this part.

comment 1764 comment by: *ACI EUROPE*

-  
Only use the term certification and/or certificate since "approval" seems to be the sameà alternatively call it approval/certificate  
ADR OR needed explaining the forms and procedures for application  
AMC's needed to support ADR.OR

comment 1786 comment by: *ACI EUROPE*

It is unclear if the introduction of a need to seek "approval" from the appropriate authority under the OR requirements has any significance on the requirement to apply for an aerodrome certificate under the Basic Regulation

Article 8 a – Aerodromes. It appears as if the certificates required under this NPA is applicable to other aviation organisations than aerodromes (refer NPA 2008-22a Explanatory note, article 46.). There is no explanation of the legal difference between being given an “approval” and being given a “certificate”.

comment

1895

comment by: DCAA

(b)

(b) The last part of this article gives the impression, that there is only one way of compliance to AMC material.

comment

1964

comment by: Walter Gessky

Delete the last part of OR.GEN.015(b) and add a new sentence

**OR.GEN.015 Application**

(b) Applicants for an initial approval shall provide the competent authority with documentation demonstrating how they will comply with the requirements established in this Part and ~~associated acceptable means of compliance adopted by the Agency.~~

**When AMCs adopted by the Agency are complied, the compliance with the requirements shall be considered as met.**

Justification:

Reference to AMC has to be deleted because AMC are non-binding requirements and must not be demonstrated. Reference to AMC should be different.

The new (c) shall clarify the status when compliance with Agency AMCs is shown.

comment

1971

comment by: Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.

- Only use the term certification and/or certificate since "approval" seems to be the sameà alternatively call it approval/certificate
- ADR OR needed explaining the forms and procedures for application
- AMC's needed to support ADR.OR

comment

1999

comment by: Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.

It is unclear if the introduction of a need to seek “approval” from the appropriate authority under the OR requirements has any significance on the requirement to apply for an aerodrome certificate under the Basic Regulation Article 8 a – Aerodromes. It appears as if the certificates required under this NPA is applicable to other aviation organisations than aerodromes (refer NPA 2008-22a Explanatory note, article 46.). There is no explanation of the legal difference between being given an “approval” and being given a “certificate”.

comment

2012

comment by: Avinor AS

It is unclear if the introduction of a need to seek "approval" from the appropriate authority under the OR requirements has any significance on the requirement to apply for an aerodrome certificate under the Basic Regulation Article 8 a – Aerodromes, or certification of ATM organisations. It appears as if the certificates required under this NPA is applicable to other aviation organisations than aerodromes and ATM/ANS providers (refer NPA 2008-22a

Explanatory note, article 46.). There is no explanation of the legal difference between being given an "approval" and being given a "certificate".

comment

2065

comment by: *MOT Austria*

Delete the last part of OR.GEN.015(b) and add a new sentence

**OR.GEN.015 Application**

(b)Applicants for an initial approval shall provide the competent authority with documentation demonstrating how they will comply with the requirements established in this Part ~~and associated acceptable means of compliance adopted by the Agency.~~

**When AMCs adopted by the Agency are complied, the compliance with the requirements shall be considered as met.**

Justification:

Reference to AMC has to be deleted because AMC are non-binding requirements and must not be demonstrated. Reference to AMC should be different.

The new (c) shall clarify the status when compliance with Agency AMCs is shown.

comment

2081

comment by: *CAE*

Paragraph (a) leaves it to each competent authority to provide an application form; we suggest that EASA provide a standard form and the competent authority may add any other information as required.

comment

2118

comment by: *CAA Norway*

OR.GEN.015(a)

Why is the form and manner of applications left open to the discretion of the authority, when EASA wants to use a standardized form for declarations? Ref. OR.GEN.040(a)(1)

comment

2119

comment by: *CAA Norway*

OR.GEN.015(b)

It should not be limited to comply with "this part", the applicant should be required to comply with all relevant parts.

comment

2262

comment by: *Europe Air Sports PM*

OR.GEN.015

"The form and manner of application for an approval will be set by the CA."

EAS would wish EASA to restrict the ability and scope of the CAs to create an overly demanding, bureaucratic and expensive application / approval process for ATOs. No 'gold plating' please!

Proposal

The application should be guided by clear EU requirements to ensure that CAs do not add requirements to those required by the rules.

This is to ensure that the so-often quoted "level playing field" is not endangered by CAs / NAAs, delivering 27 different systems across the EU, or creating a money-making machine at the expense of air sports clubs / federations.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 -  
OR.GEN.020 Acceptable Means of Compliance**

p. 5

comment 10

comment by: *Regierung von Oberbayern-Luftamt Südbayern*

Das neue Rechtsinstitut der "Acceptable Means of Compliance (AMC)" soll nach dem Willen der EASA ein flexibles Rechtssystem unter Wahrung der Chancengleichheit, Transparenz und Harmonisierung gewährleisten (Nr. 38). Ein Großteil der Entwürfe NPA No. 17a bis c, 22a bis c besteht daher aus AMC`s. Sobald eine "Organisation", also z. B. eine Flugschule, einen begründeten Vorschlag macht, ein AMC, das Bestandteil der Genehmigung der Flugschule ist, zu ändern, da die Sicherheitsanforderungen der Implementing Rules gewahrt seien, ist die zuständige Behörde verpflichtet, diesen Antrag zu prüfen. Diese Prüfung und Verbescheidung hat nach AR.GEN.020 (c) binnen eines Monats nach Antragstellung zu erfolgen. Soweit die EASA nach Prüfung der Alternative Means zur Auffassung kommt, die Sicherheitsanforderungen seien nicht gewahrt, sind entsprechende Maßnahmen der zuständigen Behörde zu treffen.

Grundsätzlich halten wir es zwar für einen diskussionswürdigen Ansatz, den von den Regelungen betroffenen Organisationen künftig verstärkt die Möglichkeit einzuräumen, sich selbst aktiv am Normsetzungsprozess zu beteiligen. Möglichkeiten zur Änderung der AMC`s sollten in der Tat künftig möglichst flexibel und mit wenig Zeitaufwand gestaltet werden.

Wir halten es jedoch für den falschen Ansatz, die Hauptverantwortung für die Änderung von AMC`s zunächst auf die nationalen Behörden zu delegieren. Damit wird gewissermaßen ein Gesetzesinitiativrecht jeder Luftfahrt-Organisation eingeführt, dem eine Prüfungs- und Verbescheidungspflicht auf Seiten der nationalen Behörde korrespondiert.

Zum einen dürfte es den nationalen Behörden kaum möglich sein, die sicherheitsrechtlichen Erwägungen zu erfassen, die der Gesetzgeber (EASA) im Sinne hatte. Zum anderen erscheint die Prüfungspflicht binnen eines Monats als illusorisch: Zunächst sind etwaige technische oder medizinische Detailfragen zu klären, für die nicht in jeder (nachgeordneten) Behörde der notwendige Sachverstand vorhanden sein wird. Zum Anderen wird auch eine Abstimmung mit übergeordneten Behörden (auf Landes- und Bundesebene) erforderlich sein, um eine einheitliche Verwaltungspraxis zu gewährleisten.

Offentlichtlich wurde übersehen, der EASA auch eine Prüfungspflicht der vorgelegten AMC`s binnen einer bestimmten Frist aufzuerlegen.

Letztlich kann dieses System dazu führen, dass in den verschiedenen EASA-Mitgliedstaaten unterschiedliche alternative AMC`s gelten, was auch bei den betroffenen Organisationen und Piloten für Verwirrung und Rechtsunsicherheit sorgen dürfte.

Folgende Gestaltung des Rechtsinstituts der AMC`s würden wir daher für praktikabler und im Sinne einer Harmonisierung zielführender halten:

Die nationale zuständige Luftfahrtbehörde prüft die von der Organisation

vorgeschlagenen AMC`s auf ihre Sicherheitsrelevanz und übermittelt einen Entscheidungsvorschlag an die EASA. Diese prüft den Vorschlag anschließend und trifft dann eine Entscheidung über die Einführung eines neuen AMC. Erst wenn dieses veröffentlicht und damit allgemeinverbindlich ist, darf es von der Organisation (und allen anderen Organisationen in den Mitgliedstaaten) umgesetzt werden. Damit wäre einer drohenden Rechtsunsicherheit und Rechts-"Zersplitterung" vorgebeugt.

comment 109

comment by: *Luftamt Nordbayern*

Die "Acceptable Means of Compliance (AMC)" sollen nach dem Willen der EASA ein flexibles Rechtssystem unter Wahrung der Chancengleichheit, Transparenz und Harmonisierung gewährleisten (Nr. 38). Ein Großteil der Entwürfe NPA No. 17a bis c, 22a bis c besteht daher aus AMCs. Sobald eine "Organisation", also z. B. eine Flugschule, einen begründeten Vorschlag macht, ein AMC, das Bestandteil der Genehmigung der Flugschule ist, zu ändern, da auch mit dem alternativen AMC die Sicherheitsanforderungen der Implementing Rules gewahrt seien, ist die zuständige Behörde verpflichtet, diesen Antrag zu prüfen. Diese Prüfung und Entscheidung hat nach AR.GEN.020 (c) binnen eines Monats nach Antragstellung zu erfolgen. Soweit die EASA nach Prüfung der "Alternative Means" zur Auffassung kommt, die Sicherheitsanforderungen der Implementing Rules seien nicht gewahrt, sind entsprechende Maßnahmen der zuständigen Behörde zu treffen.

Grundsätzlich halten wir es zwar für einen guten Ansatz, den von den Regelungen betroffenen Organisationen künftig verstärkt die Möglichkeit einzuräumen, Verbesserungsvorschläge und Anregungen einzubringen. Die AMCs sollten in der Tat künftig möglichst flexibel und mit wenig Zeitaufwand fortgeschrieben werden.

Problematisch ist aus unserer Sicht aber der Ansatz, dass die nationale Behörde über die Abweichung binnen eines Monats nach Antragstellung entscheiden soll (AR.GEN.020 (c)) und diese dann direkt angewendet wird. Dies führt dazu, dass die Abweichung bei positiver Entscheidung der nationalen Behörde sofort angewendet wird. Damit gelten in einzelnen Mitgliedsstaaten zunächst abweichende Regeln, ohne dass dies anhand der Rechtsvorschriften transparent für den Bürger erkennbar wäre. Entscheidet die EASA schließlich nachträglich, dass diese Abweichung nicht mit den Sicherheitsanforderungen der Implementing Rules vereinbar ist, so stellt sich das Problem wie die Personen zu behandeln sind, die zwischenzeitlich von der vorläufigen Ausnahme Gebrauch gemacht haben. Wenn die Abweichung ein Sicherheitsrisiko darstellt, so wäre es geboten nachträglich den Ausbildungsabschnitt entsprechend den Implementing Rules zu wiederholen. Andererseits besteht insoweit ein gewisser Vertrauensschutz der Betroffenen. Die Rücknahme der gewährten Ausnahmen mit ex tunc Wirkung dürfte erhebliche rechtliche Probleme in den Mitgliedstaaten aufwerfen und bei den betroffenen Luftfahrern zur erheblichem Unmut und Schadensersatzforderungen führen.

Letztlich wird dieses System auch dazu führen, dass in den verschiedenen EASA-Mitgliedstaaten immer wieder unterschiedliche alternative AMCs angewendet werden, was auch bei den betroffenen Organisationen und Piloten für Verwirrung und Rechtsunsicherheit sorgen dürfte. Das vorgesehene System (Gewährung einer Abweichung von den AMCs und nachträglicher Einholung der Entscheidung der EASA) sollte daher überdacht werden.

Folgende Gestaltung des Verfahrens zur Abweichung von den AMCs würden wir daher für praktikabler und im Sinne einer Harmonisierung von Rechtsvorschriften und der Einheitlichkeit der Rechtsordnung innerhalb der EU für geeigneter halten:

Die nationale zuständige Luftfahrtbehörde prüft die von der Organisation vorgeschlagenen AMCs auf ihre Sicherheitsrelevanz und übermittelt einen Entscheidungsvorschlag an die EASA. Diese prüft den Vorschlag anschließend zeitnah (z.B. innerhalb eines Monats) und trifft dann eine verbindliche Entscheidung über die Einführung eines neuen AMC. Erst wenn diese veröffentlicht und die AMC entsprechend aktualisiert sind, darf der Vorschlag inhaltlich umgesetzt werden. Damit wäre einer drohenden Rechtsunsicherheit und nicht transparenten unterschiedlichen vorläufigen Ausnahmen vorgebeugt. Dieses Vorgehen dürfte auch im Interesse der Betroffenen Piloten sein, die nicht Gefahr laufen Ausbildungsteile nachträglich wegen Nicht-Konformität mit den Sicherheitsanforderungen der Implementing Rules wiederholen zu müssen. Angesichts des Gewinns an Rechtssicherheit für die betroffenen Luftfahrer dürfte die hierdurch eintretende Verlängerung der Verfahrensdauer (z.B. maximal 4 Wochen bei der nationalen Behörde bis zur Vorlage bei der EASA und maximal weitere 4 Wochen bis zur Letztentscheidung der EASA) nicht erheblich ins Gewicht fallen.

Letztlich werden nur transparente Rechtsvorschriften und AMCs Akzeptanz bei den Luftfahrern finden. Es wäre einem Laien nicht vermittelbar, wenn neben den geschriebenen und veröffentlichten AMCs noch eine Reihe von zeitlich nicht nicht erkennbar befristeten und inhaltlich nicht nachvollziehbar schriftlich fixierten alternativen Verfahren existieren würde.

comment

210

comment by: *ECA- European Cockpit Association*

Comment on paragraph (b): change text as follows:

(b) Subject to ~~notification~~ **the approval** by the competent authority, as prescribed in AR.GEN.020(c), the organisation may implement these alternative means of compliance.

Justification:

As stated in AR.GEN.020, only when the approval from the authority has been received, the alternative AMC can be used. As it is written right now, it could be understood that only the notification would be required prior to implementation. In order to avoid misinterpretation to the rule, the term "approval" should be used instead of "notification".

comment

308

comment by: *Bayerisches Staatsministerium für Wirtschaft, Infrastruktur, Verkehr und Technologie*

Ziel der "Acceptable Means of Compliance (AMC)" soll es sein, dass ein flexibles Rechtssystem unter Wahrung der Chancengleichheit, Transparenz und Harmonisierung gewährleistet wird (Nr. 38). Ein Großteil der Entwürfe NPA No. 17a bis c, 22a bis c besteht daher aus AMCs. Sobald eine "Organisation", also z. B. eine Flugschule, einen begründeten Vorschlag macht, ein AMC, das Bestandteil der Genehmigung der Flugschule ist, zu ändern, da auch mit dem alternativen AMC die Sicherheitsanforderungen der Implementing Rules gewahrt seien, ist die zuständige Behörde verpflichtet, diesen Antrag zu prüfen. Diese Prüfung und Entscheidung hat nach AR.GEN.020 (c) binnen eines Monats nach Antragstellung zu erfolgen. Soweit die EASA nach Prüfung der

"Alternative Means" zur Auffassung kommt, die Sicherheitsanforderungen der Implementing Rules seien nicht gewahrt, sind entsprechende Maßnahmen der zuständigen Behörde zu treffen.

Grundsätzlich würde der Ansatz zwar begrüßt, wenn den von den Regelungen betroffenen Organisationen künftig verstärkt die Möglichkeit eingeräumt wird, Verbesserungsvorschläge und Anregungen einzubringen. Die AMC's sollten in der Tat künftig möglichst flexibel und mit wenig Zeitaufwand fortgeschrieben werden.

Problematisch erscheint aber der Ansatz, dass die nationale Behörde über die Abweichung binnen eines Monats nach Antragstellung entscheiden soll (AR.GEN.020 (c)) und diese dann direkt angewendet wird. Dies führt dazu, dass die Abweichung bei positiver Entscheidung der nationalen Behörde sofort angewendet wird. Damit gelten in einzelnen Mitgliedsstaaten zunächst abweichende Regeln, ohne dass dies anhand der Rechtsvorschriften transparent für den Bürger erkennbar wäre. Entscheidet die EASA schließlich nachträglich, dass diese Abweichung nicht mit den Sicherheitsanforderungen der Implementing Rules vereinbar ist, so stellt sich das Problem wie die Personen zu behandeln sind, die zwischenzeitlich von der vorläufigen Ausnahme Gebrauch gemacht haben. Wenn die Abweichung ein Sicherheitsrisiko darstellt, so wäre es geboten nachträglich den Ausbildungsabschnitt entsprechend den Implementing Rules zu wiederholen.

Andererseits besteht insoweit ein gewisser Vertrauensschutz der Betroffenen. Die Rücknahme der gewährten Ausnahmen mit ex tunc Wirkung dürfte erhebliche rechtliche Probleme in den Mitgliedstaaten aufwerfen und bei den betroffenen Luftfahrern zur erheblichem Unmut und Schadensersatzforderungen führen.

Letztlich wird dieses System auch dazu führen, dass in den verschiedenen EASA-Mitgliedstaaten immer wieder unterschiedliche alternative AMC's angewendet werden, was auch bei den betroffenen Organisationen und Piloten für Verwirrung und Rechtsunsicherheit sorgen dürfte. Das vorgesehene System (Gewährung einer Abweichung von den AMC's und nachträglicher Einholung der Entscheidung der EASA) sollte daher geändert werden.

Folgende Gestaltung des Verfahrens zur Abweichung von den AMC's würde daher für praktikabler und im Sinne einer Harmonisierung von Rechtsvorschriften und der Einheitlichkeit der Rechtsordnung innerhalb der EU für geeigneter gehalten werden:

Die nationale zuständige Luftfahrtbehörde prüft die von der Organisation vorgeschlagenen AMC's auf ihre Sicherheitsrelevanz und übermittelt einen Entscheidungsvorschlag an die EASA. Diese prüft den Vorschlag anschließend zeitnah (z.B. innerhalb eines Monats) und trifft dann eine verbindliche Entscheidung über die Einführung eines neuen AMC. Erst wenn diese veröffentlicht und die AMC entsprechend aktualisiert sind, darf der Vorschlag inhaltlich umgesetzt werden. Damit wäre einer drohenden Rechtsunsicherheit und nicht transparenten unterschiedlichen vorläufigen Ausnahmen vorgebeugt. Dieses Vorgehen dürfte auch im Interesse der betroffenen Piloten sein, die nicht Gefahr laufen, Ausbildungsteile nachträglich wegen Nicht-Konformität mit den Sicherheitsanforderungen der Implementing Rules wiederholen zu müssen. Angesichts des Gewinns an Rechtssicherheit für die betroffenen Luftfahrer dürfte die hierdurch eintretende Verlängerung der Verfahrensdauer (z.B. maximal 4 Wochen bei der nationalen Behörde bis zur Vorlage bei der EASA

und maximal weitere 4 Wochen bis zur Letztentscheidung der EASA) nicht erheblich ins Gewicht fallen. Auch wäre damit einer drohenden Rechtszersplitterung vorgebeugt.

Letztlich werden nur transparente Rechtsvorschriften und AMCs Akzeptanz bei den Luftfahrern finden. Es wäre einem Laien nicht vermittelbar, wenn neben den geschriebenen und veröffentlichten AMCs noch eine Reihe von zeitlich nicht erkennbar befristeten und inhaltlich nicht nachvollziehbar schriftlich fixierten alternativen Verfahren existieren würde.

comment

314

comment by: UK CAA

**Page No:**

5 of 83

**Paragraph No:** OR.GEN.020 (a)**Comment:**

This part requires the presentation of "a safety assessment demonstrating that the safety objectives set out in the implementing rules are met." In respect of the ATO and FSTD at least, the implementing rules do not give a clear definition of what might be termed "safety objectives" in any specific case. Propose alternative text as below.

**Justification:**

The intent must be to show how any proposed new AMC complies with the implementing rules (e.g. by equivalence as defined in AMC to AR.GEN.020(c)) because compliance with the implementing rules in their entirety is mandatory. This is the only reference that can be found to Safety Objectives in Part OR and so can be seen as inconsistent terminology.

**Proposed Text (if applicable):**

Proposed text for OR.GEN.020 (a) (proposed amendments italic and underlined).

When an organisation wishes to use alternative means to establish compliance with the implementing rules other than those adopted by the Agency it shall, prior to implementing them, provide the competent authority with a full description of the alternative means of compliance, including any revisions to manuals or procedures that may be relevant, as well as a safety assessment *demonstrating how the proposed alternative means of compliance satisfy the implementing rules.*

comment

367

comment by: Aero-Club of Switzerland

Question: How such a safety assessment can be undertaken, which is the form? Does an established framework exist? What will be the timeframe?

Proposal: They Agency publishes the contents of the assessment and gives a timeframe to the NAA.

Justification: In doing so that the operator can arrange its work and plan the readiness of its accepted alternative solution.

comment

597

comment by: Ryanair

**COMMENT**

Application for an AMC requires a Safety Case to be submitted.

**PROPOSAL**

Is there any guidance as to what the Safety Assessment should contain?  
Provide guidance as to how the Safety Assessment required in this section be prepared and presented

comment

613

comment by: *Air Berlin Technik*

Declaring AMCs binding is nothing else than giving EASA the right to create laws "through the backdoor", especially because the way for organisations to "suggest" alternative AMCs is by far too complex and bureaucratic (takes too long, without legal certainty in the meantime). An authority creating law is in contradiction with one of the basic principles of democracy: the separation of powers.

comment

614

comment by: *Air Berlin Technik*

The current concept of AMCs should be left as it is - informational only. It works well, while keeping the bureaucratic burden to a minimum. We do not see the need for declaring AMCs binding, nor are we convinced that this would constitute more legal certainty or ease in standardisation, because, after all, AMCs are - as the regulations/requirements - also only just LANGUAGE which can ALWAYS be interpreted differently (this does not even embrace problems resulting from individual translations from the AMC language English into member state language).  
So, in our opinion, the envisaged change of AMCs regarding their legal status (problematic enough) does not create any benefit, neither for authorities nor for organisations. Only a bureaucratic monster will be set up.

comment

633

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment:

See also comments to AR.GEN.020

Based on the changes proposed in AR.GEN.020 the following changes are proposed in OR.GEN.020:

Proposal:

(a) When an organisation ~~wishes~~ **proposes** to use ~~alternative~~ means to establish compliance with the implementing rules other than those adopted by the Agency, it shall, ~~prior to implementing them~~, provide the competent authority with a full description of the ~~alternative~~ **proposed** means of compliance, including any revisions to manuals or procedures that may be relevant, as well as a safety assessment demonstrating that the safety objectives set out in the implementing rules are met.

(b) ~~Subject to notification by the competent authority, as prescribed in AR.GEN.020(c),~~ ~~the~~ organisation ~~may~~ **shall** not implement these alternative means of compliance

**before the notification by the competent authority, informing that the Agency has notified that it has been demonstrated that the safety objective set out in the implementing rules are met, has been received.**

comment

738

comment by: CAA-NL

Comment

The implementation of alternative means of compliance should not be subject to notification, but to acceptance.

Text proposal

"(b) Subject to acceptance the organisation may implement these alternative means of compliance."

comment

829

comment by: AEA

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing?

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is completely unacceptable to AEA since it will become self-blocking.

In case EASA does not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to implement the alternative AMC.

We therefore strongly believe "notification" of the alternative AMC to EASA should be sufficient

comment

1150

comment by: FNAM (*Fédération Nationale de l'Aviation Marchande*)**(a)****COMMENTS**

The aim of the BR is to enforce a certain level of safety (BR, Art. 2, Objectives).

The process for applying alternative AMC seems very subjective and complex. In no way, any of the proposed AMC states a comprehensive quantification or assessment of any level of safety.

**PROPOSAL**

We request the alternative AMC safety assessment process to be defined and documented in part-AR / OR, including ways of recourse.

An AMC to AR.GEN.020 "AMC", defining precisely the process to submit (for organizations), to assess (for Competent authorities) and to validate (for EASA), may be elaborated.

Guidelines shall be given to both parties to assess the required level of safety. A working group, consisted of NAAs and Professionals representatives may assist EASA in conducting this work.

**JUSTIFICATION**

Homogeneous treatment amongst the Member states, in order to obtain a level

playing field.

Complexity or subjectivity may not prevent organizations to use alternative AMCs

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*

*This disclaimer has to be considered as an integrative part of the following comment.*

comment

1171

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**(c)**

**COMMENTS**

(c) "Competent authority" is not consistently defined. "Competent authority" is defined in OR-GEN.001, but the definition is restricted to "the purpose of this part (part-OR)."

-----

*See comment AR.GEN.005 :*

*"Comment: At this step, terms and definitions appear unclear.*

*Proposal: We suggest a specific part of the EASA regulation framework may contain a comprehensive and exhaustive list of definitions, applicable to the whole EASA regulation, which is the best way to have consistent definitions.*

*Justification: this might be a legal issue regarding the scope of understanding and cause problems of reading."*

-----

**(c)**

**COMMENTS**

"undue delay" are not timebound

**PROPOSAL**

"undue delays" shall be precised, with a quantitative maximum limit, e.g. 2 weeks max.

**JUSTIFICATION**

This would be consistent with the 4-week delay before, and other similar delays stated elsewhere in part-OR (for instance AMC OR.GEN.030/035/040) Also, a 2-week maximum delay is provisioned within AMC1 to AR-ATO200 (a)(1). Any other values shall be consistent or justified.

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*

*This disclaimer has to be considered as an integrative part of the following comment.*

comment

1172

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**(d)****COMMENTS**

(d) While a maximum delay is imposed to Competent authority. EASA has no time-constraint to assess compliance and notify its conclusion. This process shall be timebound.

**PROPOSAL**

We propose the following wording :

"the Agency shall within 4 weeks from the date of notification assess compliance with the paragraphs above and notify the competent authority of its conclusion".

**JUSTIFICATION**

Since the 4-week delay is considered as reasonable by EASA for Competent authority to assess AMC, there is no reason for EASA to claim for more time to do the same thing. This shall be précised in an AMC to AR.GEN.020. A working group may be settled up to define this.

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the*

*proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.  
This disclaimer has to be considered as an integrative part of the following comment.*

comment 1224 comment by: *Swiss International Airlines / Bruno Pfister*

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing. The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is against the Basic Regulation and other EU law, which requires a clear demarcation of responsibilities of central and national bodies. The two-step approval violates the principle of subsidiarity. On top, in case EASA would not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to implement the alternative AMC.

We therefore strongly believe that, as a maximum, a "notification" of the alternative AMC to EASA is allowed to be required. Even better, we think that an ex post control of any member state national AMC approval process through the tool of Standardisation is anyway more appropriate, gives legal certainty to the applicant, and fully achieves the intended objective.

**Proposal:  
Eliminate the ex ante alternative-AMC review through EASA.**

comment 1310 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.020 Acceptable Means of Compliance

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing?

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is completely unacceptable to AEA since it will become self-blocking.

In case EASA does not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to implement the alternative AMC.

We therefore strongly believe "notification" of the alternative AMC to EASA should be sufficient

comment 1355 comment by: *KLM*

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing?

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is completely unacceptable to AEA since it will become self-blocking.

In case EASA does not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to implement the alternative AMC.

We therefore strongly believe "notification" of the alternative AMC to EASA should be sufficient

comment 1419 comment by: *Unique (Zurich Airport)*  
- AMC or GM needed to specify how safety assessments need to be conducted

comment 1452 comment by: *Deutsche Lufthansa AG*

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing.

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is against the Basic Regulation and other EU law, which requires a clear demarcation of responsibilities of central and national bodies. The two-step approval violates the principle of subsidiarity.

On top, in case EASA would not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to implement the alternative AMC.

We therefore strongly believe that, as a maximum, a "notification" of the alternative AMC to EASA is allowed to be required. Even better, we think that an ex post control of any member state national AMC approval process through the tool of Standardisation is anyway more appropriate, gives legal certainty to the applicant, and fully achieves the intended objective.

**Proposal:**  
**Eliminate the ex ante alternative-AMC review through EASA.**

comment 1581 comment by: *bmi*

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing?  
8

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is completely unacceptable to AEA since it will become self-blocking.

In case the EASA does not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to implement the alternative AMC.

We therefore strongly believe notification of the alternative AMC to EASA should be sufficient

comment 1622 comment by: *British Airways Safety & Security*

Section (b). Replace **alternative means of compliance** with **alternative acceptable means of compliance**.

comment

1686

comment by: *Ornulf LIEN*

*Comment:*

This OR.GEN introduces the term "safety assessment".

*Proposal:*

Replace "safety assessment" with "risk assessment" in this IR and in the corresponding AR.

*If that is not accepted, alternative proposal:*

Develop AMC/GM for development of a "safety assessment" and for analysing it for the Authorities.

*Justification:*

The only other instance of the term I have found in the regulation is in the associated AR.GEN. I have found no definition or guidance on "safety assessment". It is similarly mentioned in the RIA of 2.7 Performance based rule-making, but no further details are given there either.

ICAO SMM uses the term Safety assessment and gives guidance in Chapter 13. There it appears to be a top level process associated with change management within the operator, with only subtle differences from risk management.

My view is that it should be considered if "risk assessment" could be used instead to demonstrate that the safety objectives are met. This would have the benefit that it is used throughout the new regulation and some AMC/GM is already included in this NPA and in NPA 2009-02. If there should be a conscious intention of asking for something more (or less, or different) than what you could get from a risk assessment, that could be added in plain text in the IR. E.g. .., as well as a risk assessment demonstrating that ..... are met, and.... (if something else is required).

One example is OPS.COM.270 that asks for development of SOPs based on a risk assessment, and the Explanatory memorandum to PART-OPS item 83 seems to indicate that risk assessment is what is required here to justify an AMC.

comment

1711

comment by: *AEI*

**AEI propose a change in text to:**

**(b) Subject to the approval by the competent authority and the Agency, as prescribed in AR.GEN.020 (c), .....**

AEI refer to their response to NPA 2008-22b AR.GEN.020.

AEI believes that the potential advantages of EASA assessing and approving all AMC's will considerably enhance harmonization and uniformly improve standards. While not only maintaining EASA's "level playing field" for all member states, by being the final arbitrator in all applications. Agency control at the beginning of the process will prevent the prospect of having retrospectively prohibiting a NAA approved AMC which is allowed to be put into practice. Such incidents could lead to protracted and expensive legal

proceedings against EASA/ NAAs.

comment 1712 comment by: *NFO Technical Committee*

NFO believe the text should be ammended to include approval by the Agency.

**(b) Subject to approval by the competent authority and the Agency, as prescribed in AR.GEN.020 (c),**

Agency control of these approvals will equalize standards between member states and improve the standard of Flight Safety within EU.

comment 1765 comment by: *ACI EUROPE*

AMC or GM needed to specify how safety assessments need to be conducted

comment 1815 comment by: *International Air Transport Association (IATA)*

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing?

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is completely unacceptable to AEA since it will become self-blocking.

In case EASA does not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to implement the alternative AMC.

We therefore strongly believe "notification" of the alternative AMC to EASA should be sufficient

comment 1822 comment by: *AIR FRANCE*

There should not be a requirement to publish AMCs by competent Authority as it is useless.

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA may become self-blocking.

In case EASA does not approve the alternative-AMC, it raises significant questions for the organization - based on the CA approval - that have already invested a significant amount of money to implement the alternative AMC.

We therefore strongly believe "notification" of the alternative AMC to EASA should be sufficient

comment 1897 comment by: *DCAA*

(b) (b)The requirement of notification to EASA is not acceptable.

comment 1932 comment by: *Luftfahrt-Bundesamt*

See comments to AR.GEN.020

comment 1941 comment by: *IACA International Air Carrier Association*

IACA has concerns with the proposed processing of alternate means of compliance for its complexity and inconsistency with the flexibility provisions of the Basic Regulation.

BR 216/2008 art.14 "Flexibility provisions" requires EASA to issue a recommendation within two months after notification of a Member State's intention granting an approval derogating from Implementing Rules. Within one month from EASA's recommendation the Commission shall notify its decision to all Member States. Hence the operator applying for another means to comply with the rules (= alternate Means of Compliance!) will have an answer within two months, while other EU operators will know within three months.

The OR.OPS.GEN.020 proposal feeding all alternative MoCs into the Rulemaking process for adoption as EASA AMC, will stall the RM Process due to the enormous associated level of effort. The lengthy RM process (3 months consultation + 3 months Comments Response Document + 2 months adoption = 8 months) does not provide stakeholders with legal certainty, since an operator may have to withdraw his alternate MoC eight months later, should the outcome of the RM Process be negative.

The proposal is also not consistent with the spirit of art.14 of the BR. How can EASA propose a process providing flexibility in deviating from AMCs (soft law) that is more complex than the BR flexibility deviating from IRs (hard law) ? Even if EASA proposes as "fast track" procedure, it will still remain complex and expert-intensive. A more efficient procedure may be a simplified RM process: EASA will publish the alternate MoCs only with and based on the "conformity checks" made by EASA within two months, i.e. the "recommendation" as required per art.14 of the BR.

Additional to the comments above, IACA airlines are increasingly concerned as to the "binding" nature of AMCs. From an applicant's point of view, in practice, there is little to no difference between IR and AMC. Without the too complex and bureaucratic process of an alternate means of compliance, AMCs are part of the approval process and therefore become binding. Both IR and AMC are therefore experienced as binding.

Implementing Rules do not always provide for a same level playing field as they may be interpreted different by Authorities, AMCs are often more detailed but not always the only way to provide safe operations. With all the knowledge available after ten years of JAR OPS and one year of EU OPS, EASA could have introduced AMCs with more options like JAR OPS had in the Fuel Policy. Operators would suffer less from the "bindingness" of the AMCs, while they would still provide for a level playing field. For the same reasons, several AMCs could be downgraded to GM.

comment 1972 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*  
AMC or GM needed to specify how safety assessments need to be conducted

comment 2014 comment by: *Walter Gessky*

OR.GEN.020

Change the following:

(a) When an organisation ~~wishes~~ **proposes** to use ~~alternative~~ means to establish compliance with the implementing rules other than those adopted by

the Agency, it shall, ~~prior to implementing them,~~ provide the competent authority with a full description of the ~~alternative~~ **proposed** means of compliance, including any revisions to manuals or procedures that may be relevant, **and when appropriate** ~~as well as~~ a safety assessment demonstrating that the safety objectives set out in the implementing rules are met.

~~(b) Subject to notification by the competent authority, as prescribed in AR-GEN.020(c),~~ ~~The~~ organisation may implement these alternative means of compliance **when approved by the competent authority.**

Justification:

The concept of alternate MOC is not supported.

comment 2039

comment by: Avinor AS

The requirement to demonstrate that safety objectives set out in the Implementing Rules are met, opens up for a wide interpretation by the national authorities. There will therefore be a strong requirement to specify in AMC or GM the acceptable methodology as well as risk acceptance criteria.

comment 2053

comment by: ERA

ERA members understand that one of the important aims of the Basic Regulation is to enforce a certain level of safety (BR, Art. 2, Objectives). Therefore, it is of concern that it would appear that none of the proposed AMCs state a comprehensive quantification or assessment of any level of safety. ERA members recommend a comprehensive description of the expected level of safety set against the compliance with applicable AMCs.

A similar comment is applicable to Sec AR-GEN-020

ERA is concerned that the proposed processing of alternate means of compliance is complex and inconsistent with the flexibility provisions of the Basic Regulation that requires EASA to issue a recommendation within two months after notification of a Member State's intention granting an approval derogating from Implementing Rules.

Within one month from EASA's recommendation the Commission shall notify its decision to all Member States.

The operator applying for another means to comply with the rules will have an answer within two months.

Other EU operators will know within three months.

However, the OR.OPS.GEN.020 proposes feeding all alternative MoCs into the Rulemaking process for adoption as EASA AMC, and this will stall the RM Process due to the enormous associated level of effort.

The lengthy RM process (3 months consultation + 3 months Comments Response Document + 2 months adoption = 8 months) does not appear to provide stakeholders with legal certainty, since an operator may have to withdraw his alternate MoC eight months later, should the outcome of the RM Process be negative.

ERA members are concerned as to the "binding" nature of AMCs. From an applicant's point of view, in practice, there is little to no difference between IR and AMC. Without the too complex and bureaucratic process of an alternate means of compliance, AMCs are part of the approval process and therefore become binding.

With all the knowledge available after ten years of JAR OPS and one year of EU OPS, EASA could have introduced AMCs with more options like JAR OPS had in the Fuel Policy. Operators would suffer less from the "bindingness" of the AMCs, while they would still provide for a level playing field. For the same reasons, several AMCs could be downgraded to GM.

comment

2067

comment by: *MOT Austria*

OR.GEN.020

Change the following:

(a) When an organisation wishes **proposes** to use ~~alternative~~ means to establish compliance with the implementing rules other than those adopted by the Agency, it shall, ~~prior to implementing them,~~ provide the competent authority with a full description of the ~~alternative~~ **proposed** means of compliance, including any revisions to manuals or procedures that may be relevant, **and w hen a ppropriate** as ~~well as~~ a safety assessment demonstrating that the safety objectives set out in the implementing rules are met.

~~(b) Subject to notification by the competent authority, as prescribed in AR.GEN.020(c),~~ ~~t~~ The organisation may implement these ~~alternative~~ means of compliance **when approved by the competent authority.**

Justification:

The concept of alternate MOC is not supported.

comment

2111

comment by: *CAA Finland*

Amend. Harmonization with my comment to AR.GEN.020.

(b) ... by the ~~competent authority~~ **EASA**

comment

2120

comment by: *CAA Norway*

OR.GEN.020

The process of establishing alternative Acceptable Means of Compliance should be revised, to ensure a level playing field. Approval by EASA is essential before the Alternative AMC can be used, otherwise our rule-making is no longer predictable. See our comments to AR.GEN.020

comment

2171

comment by: *Icelandair*

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing?

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is completely unacceptable to AEA since it will become self-blocking.

In case EASA does not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to

implement the alternative AMC.

We therefore strongly believe "notification" of the alternative AMC to EASA should be sufficient

comment

2335

comment by: *FINNAIR*

There should not be a requirement to publish AMCs by competent Authority (which could be a blocking point) since this might be used to delay publishing?  
8

The proposed two step approval process involving first the Competent authority (CA) and thereafter EASA is completely unacceptable to AEA since it will become self-blocking.

In case the EASA does not approve the alternative-AMC, it raises significant questions on who will pay for the damage. The organization - based on the CA approval - will already have invested a significant amount of money to implement the alternative AMC.

**We therefore strongly believe notification of the alternative AMC to EASA should be sufficient**

comment

2409

comment by: *FlightSafety International*

Publication of alternative AMC's might disclose proprietary issues and these should be covered under separate regulation.

For changes to procedures, organizations spent time and money to gain competitive advantages. These will not be made, and thus safety will not be advanced, without an option to keep these issues proprietary. This will inhibit investment into new technology and process improvement by negating competitive advantage.

EASA will be the Competent Authority for organizations outside the EU.

The process for this has not been defined. How will they assign second party responsibility? Who will arbitrate disagreement?

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.025 Terms of approval and privileges of an organisation**

p. 5

comment

108

comment by: *BM Aviation*

1. It seems that the current structure of two types of flight training entities (Registered Facilities, and Flight Training Organisations) is being replaced by one entity, the Approved Training Organisation. It would help if this was made clear, in the beginning of the document.
2. At the moment, it is clearly understood that a Registered Facility provides basic training (up to PPL, including night qualification), and an FTO provides advanced training. However, the ATO seems to have no equivalent structure. It is therefore unclear whether there will be effectively two types of ATO – one for basic training, and one for advanced. This seems a logical separation, and has worked satisfactorily for many years.

3. The title "Approved" training organisation suggests that criteria will be applied, to grant or deny the approval. What are the uniform criteria? Will it still be the case that ATOs who wish only to conduct basic (PPL) training, will not be inspected by the Authority, whereas the ATOs who conduct advanced training will be inspected? This is important to know, since PPL-only ATOs would be seriously disadvantaged if they now had to pay for Authority inspections.
4. It seems that the only categorisation within an ATO is to define "small organisations", as a separate entity. For the reasons stated above, it would be appropriate to split ATOs into "basic" and "advanced". The Authorities could then provide this information on their websites, making it far more efficient for prospective students to identify the group of ATOs that serve their particular needs.

comment

165

comment by: DGAC FRANCE

**OR.GEN.025**

Comment :

OR.GEN.025 deals with competent authority : the wording is similar as the wording used in AR.GEN.310 (b) : « The certificate shall contain the privileges and the scope of the activities that the organisation is approved to conduct ».

As a consequence, it is proposed to suppress OR.GEN.025.

Modification :

**~~OR.GEN.025 Terms of approval and privileges of an organisation~~**

~~The privileges and scope of the activities that an organisation is approved to conduct shall be specified in the terms of its approval.~~

comment

1420

comment by: Unique (Zurich Airport)

AMC needed to clarify the terms of approval

comment

1767

comment by: ACI EUROPE

AMC needed to clarify the terms of approval

comment

1899

comment by: DCAA

This article does not state an organisation requirement.

comment

1973

comment by: Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.

AMC needed to clarify the terms of approval

comment

2044

comment by: Avinor AS

There is no explanation of the legal difference between being given an "approval" and being given a "certificate".

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 -  
OR.GEN.030 Changes to the organisation's approval**

p. 5

comment 55

comment by: *British Gliding Association*

The NAA's are becoming increasingly mindful of costs. For example, in the UK, the UK CAA charges a fee for ANY change to an approval. It would be helpful if this part identified that the notification is the important issue and that approval amendment or change can occur at a future date if necessary. This would permit, for example, a number of minor developments to be published as single change and associated single NAA fee.

Proposal. OR.GEN.030 a. '...enable the competent authority to determine continued compliance with this Part and to amend in due course if necessary the organisational approval certificate.'

comment 149

comment by: *Civil Aviation Authority of Norway*

Comment to (c); This may be very difficult to accomplish, as an ongoing operation can not be backdated. Additionally, a backdated revocation of an approval would lead to severe and expensive consequences for an organisation, as this would invalidate all work/service performed by that organisation, which again would create enormous consequences for a lot of third parties. As an example, an operator who has used an ATO for type ratings would be dramatically affected if the ATO's approval were revoked and all training and type ratings issued were invalidated because the ATO's approval was backdated.

The same applies to maintenance organisations, a backdated revocation or suspension would lead to a situation where a number of aircraft would have to be grounded, just because the maintenance organisation failed to notify the Authority of a change in their organisation.

We suggest the following; *Failure to inform the competent authority of such changes may result in suspension or revocation of the applicable approval certificate.*

comment 166

comment by: *DGAC FRANCE*

**Comment : OR.GEN.030**

1) OR.GEN.030 (a) The organisation is responsible for the continued compliance of the organisation to the applicable requirements.

2) OR.GEN.030 (b) : With the implementation of an operators's SMS, the operator is fully responsible for managing major changes affecting its organisation's approval. Therefore, the operator has to demonstrate to the authority that the changes do not affect its compliance with this Part and the applicable regulation.

3) OR.GEN.030 (c) deals with the authorities requirements. It is dealt in AR.GEN.345 et AR.GEN.350. In addition, it is not possible to backdate a certificate.

Modification :

**OR.GEN.030 Changes to the organisation's approval certificate**

(a) An ~~approved~~ **certified** organisation shall notify the competent authority of any proposed change to the organisation that affects the ~~approval~~ **certificate** before any such change takes place, in order to enable the competent authority ~~to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.~~

~~(b) The competent authority may prescribe the conditions under which the organisation may operate during such changes, unless the competent authority determines that the organisation approval shall be suspended.~~

**(b) Before such changes take place, the organisation shall carry out a risk assessment and mitigation process.**

~~(c) Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.~~

comment

181

comment by: DGAC FRANCE

**OR.GEN.030**

Add new c)

**Read : "The organisation shall operate under the conditions, if any, prescribed by the competent authority to operate during such changes"**

comment

272

comment by: Susana Nogueira

(c) Too strong disposition

comment

315

comment by: UK CAA

**Page No:**

5

**Paragraph No:** OR.GEN.030(a)

**Comment:** GM should be drafted to elaborate which types of proposed changes are meant. Something similar to AMC to AR.GEN.

comment

424

comment by: Federal Office of Civil Aviation (FOCA), Switzerland

Comment:

"backdated to the actual date of the changes"

This requirement could affect already issued certificates (licences, medical, etc..). To ensure an appropriate application the following change is proposed:

Proposals:

(c) Failure to inform the competent authority of such changes shall result in

suspension or revocation of the organisation approval certificate backdated to the actual date of the changes where appropriate.

OR?

(c) Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval ~~certificate backdated to the actual date of the changes.~~

comment 634 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment:

This paragraph is formulated much too incisive. The failure to inform "shall" result in suspension or revocation is imerativ. This might be not adeaquate to the misbehaviour.

Proposal:

Shoul read: "suspension or revocation should be considered"

comment 686 comment by: *Royal Danish Aeroclub*

Royal Danish Aeroclub do believe that to demand a competent authority to suspend the approval of an organisation is to hard.

The OR.GEN.030 (c) should read:

"Failure to inform the competent authority of such changes **may** result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

comment 767 comment by: *European Regions Airline Association*

OR.GEN.030 states  
"Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Backdating of the suspension or revocation of an organisation's approval could impact the validity of any certificates it may have issued during the period of backdating. How does the Agency intend to ensure that any business disruption is kept to a minumum and ensure that holders of certificates issued during the backdating period are not unduly affected?

comment 805 comment by: *ENAC TLP*

letter (c) at the end of the sentence, in order to stress the consequences and to standardise them, it should be added: "The training activity delivered in that period shall not be recognized"

comment 810 comment by: *Light Aircraft Association UK*

The LAA proposes that paragraph a) be reworded to allow for the approval certificate to be amended in the future to accommodate a number of minor changes. In this way these can be covered by just one fee.

comment 830 comment by: AEA

Relevant text:

- (a)

An approved organisation shall notify the competent authority **of any proposed change** to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority. Proposal :

An approved organisation shall notify the competent authority of any ~~proposed~~ changes to the organisation that affects **are subject to approval as requested by the applicable Implementing Rules** before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs.

comment 831 comment by: AEA

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case. Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

"~~Intentional or repetitive~~ Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment 1058 comment by: CAA Belgium

Too strong rule.  
This will not be accepted in a court case.

comment 1151 comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Specific to maintenance industry**

« An approved organisation shall notify the competent authority of any proposed change to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. »

There is no processing time demand by competent authority. Some changes

can take place very quickly and ask for a strong reactivity in order to maintain operations. There is no way that treatment process from authority prevents organization from working efficiently otherwise it would cause financial non negligible effects.

« Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes»

Organizations reorganize for various reasons depending on their will or not. Necessity to notify the competent authority before reorganization can lead to heavy financial consequences. Regulation CE 2042/2003 allows more flexibility : 145.A.85, Changes to the organization, « except that in the case of proposed changes in personnel not known to the management beforehand, these changes must be notified at the earliest opportunity».

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*

*This disclaimer has to be considered as an integrative part of the following comment.*

comment

1225

comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

• (a)

An approved organisation shall notify the competent authority of any proposed change to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority.

Proposal :

An approved organisation shall notify the competent authority of any proposed changes to the organisation that affects *are subject to approval as requested by the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

This would limit the approval process to what is requested within the IRs.

comment 1226 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case. Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

"*Intentional or repetitive* Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment 1292 comment by: *Virgin Atlantic Airways*

**Relevant text:**

(a) An approved organisation shall notify the competent authority of any proposed change to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

**Comment:**

"*Any proposed change*" is not specific enough.

**Proposal :**

(a) An approved organisation shall notify the competent authority of any proposed changes to the organisation that ~~affects~~ *are subject to approval as specified in the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs.

comment 1313 comment by: *Ryanair*

### **OR.GEN.030 – Changes to Organisation Approval**

**Comment**

The requirement to notify the competent authority in advance of any changes takes no account of requirements of an immediate nature that could potentially affect flight safety. Operators need the flexibility to take immediate action in order to ensure the ongoing safety of the operation.

**Proposal**

(a) The approved organisation shall, *where possible in advance*, notify the competent authority of any proposed changes to the organisation....

(c) Failure to inform the competent authority of such changes *may* result in

.....

(d) Changes to the organisation's approval issued in response to an immediate safety requirement shall be notified to the competent authority within 24 hrs.

comment

1327

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.030 Changes to the organisation's approval

Relevant text:

- (a)

An approved organisation shall notify the competent authority of any proposed change to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority. Proposal :

An approved organisation shall notify the competent authority of any proposed changes to the organisation that ~~affects~~ are subject to approval as requested by the applicable Implementing Rules before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs.

comment

1328

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.030 Changes to the organisation's approval

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

**Comment:**

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case. Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

**Proposal:**

"Intentional or repetitive failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment

1357

comment by: KLM

Relevant text:

- (a)

An approved organisation shall notify the competent authority of any proposed change to the organisation that affects the approval before any such change

takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority. Proposal :

An approved organisation shall notify the competent authority of any ~~proposed~~ changes to the organisation that ~~affects~~ *are subject to approval as requested by the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs.

comment 1359

comment by: KLM

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case.

Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

"*Intentional or repetitive* Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment 1421

comment by: Unique (Zurich Airport)

- (a) "Changes that affect the approval" needs to be clarified
- (b) o.k.
- (c) to harsh, replace "Shall" by "may result"

comment 1458

comment by: Deutsche Lufthansa AG

Relevant text:

- (a)

An approved organisation shall notify the competent authority **of any proposed change** to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

**Comment:**

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority.

**Proposal :**

An approved organisation shall notify the competent authority of any ~~proposed~~

changes to the organisation that ~~affects~~ *are subject to approval as requested by the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs.

comment 1461

comment by: Deutsche Lufthansa AG

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

**Comment:**

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case. Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

**Proposal:**

"*Intentional or repetitive* Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment 1498

comment by: BMVBS (MoT Germany)

The wording of this paragraph does not conform to the standards of legal certainty and the principle of proportionality. Therefore we suggest the following changes:

(a) An approved organisation shall notify the competent authority of any ~~proposed~~ change to the organisation that ~~affects the approval~~ are subject to approval as required by the Rules before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

(b) The competent authority may prescribe the conditions under which the organisation may operate during such changes, unless the competent authority determines that the organisation approval shall be suspended.

(c) ~~Failure~~ Intentional or repetitive failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment 1585

comment by: bmi

Relevant text:

- (a)

An approved organisation shall notify the competent authority **of any proposed change** to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority. Proposal :

An approved organisation shall notify the competent authority of any ~~proposed~~ change to the organisation that ~~affects~~ *are subject to approval as requested by the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs.

comment 1586

comment by: *bmi*

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case. Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

"*Intentional or repetitive* Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment 1624

comment by: *British Airways Safety & Security*

This section covers planned changes but there is no specified process or requirement or criteria for how to deal with unplanned changes, such as permanent incapacitation of an individual who holds a nominated role in the organisation.

comment 1647

comment by: *CAA CZ*

OR.GEN.030 (c), page 5

We recommend to add „limitation“:

(c) Failure to inform the competent authority of such changes shall result in suspension, **limitati on** or revocation of the organization approval certificate backdated to the actual date of the changes.

comment 1768

comment by: *ACI EUROPE*

-

- (a) "Changes that affect the approval" needs to be clarified
- (b) o.k.
- (c) to harsh, replace "Shall" by "may result"

comment 1788

comment by: *ACI EUROPE*

This applies to air operations AOC holders and should not be part of the GEN requirements.

comment 1816

comment by: *International Air Transport Association (IATA)*

Relevant text:

- (a)

An approved organisation shall notify the competent authority **of any proposed change** to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority. Proposal :

An approved organisation shall notify the competent authority of any ~~proposed~~ changes to the organisation that ~~affects~~ *are subject to approval as requested by the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs.

comment

1817

comment by: *International Air Transport Association (IATA)*

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case.

Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

"*Intentional or repetitive* Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes

comment

1824

comment by: *AIR FRANCE*

Relevant text:

- (a)

An approved organisation shall notify the competent authority **of any proposed change** to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority. Proposal :

An approved organisation shall notify the competent authority of any ~~proposed~~ changes to the organisation that ~~affects~~ *are subject to approval as requested by the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs

comment 1826 comment by: AIR FRANCE

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case. Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

*"Intentional or repetitive failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.*

comment 1909 comment by: DCAA

(c) (c)It is up to the Competent Authority to decide the level of discrepancy, this article shall be removed.

comment 1938 comment by: TNT Airways

• (a)

An approved organisation shall notify the competent authority of any proposed change to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide.

A timeframe for notification could be wise for both parties.

Proposal :

An approved organisation shall notify the competent authority of any proposed change to the organisation that ~~affects~~ are subject to approval as requested by the applicable Implementing Rules. Other than in exceptional circumstances, the competent authority must be given at least 30 days, or as otherwise agreed, before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. In case no feedback is received by the approved organisation after the 30 days period of notification, the change can take place and is considered as approved by the competent authority.

comment 1940 comment by: TNT Airways

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate. Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

*"Intentional or repetitive* failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment 1943 comment by: *IACA International Air Carrier Association*

(c)

EASA to clarify "approval certificate backdated to the actual date of the changes".

comment 1970 comment by: *Walter Gessky*

OR.GEN.030

change the following.

(c) Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate ~~backdated to the actual date of the changes~~

~~Justification:~~

Backdated suspension or revocation to the actual date of the changes might be a legal problem and should be deleted.

This requirement could affect already issued certificates (licences, medical, etc..). To ensure an appropriate application the following change is proposed:

Maybe conflict with Austrian constitution and administrative legislation. Certificate holders have the right to be consulted in an suspension or revocation process.

comment 1974 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

(a) "Changes that affect the approval" needs to be clarified

(b) o.k.

(c) to harsh, replace "Shall" by "may result"

comment 1975 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

This applies to air operations AOC holders and should not be part of the GEN requirements.

comment 2015 comment by: *Avinor AS*

This appears to apply to air operations AOC holders and not to certificated aerodromes, and should not be part of the GEN requirements.

comment 2068 comment by: *MOT Austria*

OR.GEN.030

change the following.

(c) Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate ~~backdated to~~

~~the actual date of the changes~~

Justification:

Backdated suspension or revocation to the actual date of the changes might be a legal problem and should be deleted.

This requirement could affect already issued certificates (licences, medical, etc..). To ensure an appropriate application the following change is proposed:

Maybe conflict with Austrian constitution and administrative legislation. Certificate holders have the right to be consulted in a suspension or revocation process.

comment

2114

comment by: CAA Finland

Amend. Wording too restrictive.

(c) Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate **or affected privileges in it** backdated to the actual date of the changes.

comment

2172

comment by: Icelandair

Relevant text:

- (a)

An approved organisation shall notify the competent authority **of any proposed change** to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is too wide and could lead to tremendous discussions with the Competent Authority. Proposal :

An approved organisation shall notify the competent authority of any changes to the organisation that *are subject to approval as requested by the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

This should limit the approval process to what is requested within the IRs.

comment

2173

comment by: Icelandair

Relevant text:

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case.

Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

"*Intentional or repetitive* Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval

certificate backdated to the actual date of the changes

comment 2285 comment by: *Light Aircraft Association of the Czech Republic*

This system is not suitable for sport and recreational environment

Fees and charges for each change will play significant role.

comment 2337 comment by: *FINNAIR*

• (a)

An approved organisation shall notify the competent authority **of any proposed change** to the organisation that affects the approval before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate.

Comment:

"Any proposed change" is quite too wide and could lead to tremendous discussions with the Competent Authority. Proposal :

An approved organisation shall notify the competent authority of any ~~proposed~~ change to the organisation that ~~affects~~ *are subject to approval as requested by the applicable Implementing Rules* before any such change takes place, in order to enable the competent authority to determine continued compliance with this Part and to amend, if necessary, the organisation approval certificate. This should limit the approval process to what is requested within the IRs.

comment 2338 comment by: *FINNAIR*

(c) "Failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes."

Comment:

A strict enforcement of this paragraph may be disproportionate in some cases. The reaction should be dependent on the case.

Intentional or repetitive failure to inform the Competent Authority should be subject to penalties.

Proposal:

"*Intentional or repetitive* failure to inform the competent authority of such changes shall result in suspension or revocation of the organisation approval certificate backdated to the actual date of the changes.

comment 2346 comment by: *Icelandic CAA*

(c) "...shall result in..." should be changed to "...may result in...".

It is possible that flight safety has actually improved due to certain changes consequently certain flexibility must be in place.

comment 137 comment by: DCA Malta

OR.GEN.035  
Time limited approvals gives the Authority more power to solve difficulties and to convince an organisation to follow the rules.

comment 168 comment by: DGAC FRANCE

**OR.GEN.035 (a)**

Comment :

OR.GEN.035 (a) makes an obligation for the authorities ; remove it to AR.GEN.310 (b)

**Validity of the certificate :**  
Although it can be very useful for a NAA to limit the duration of a certificate in order to put more pressure on a large operator, we do not oppose to an unlimited validity for organisations. However, it is important to balance this useful means of pressure with the harmonisation.  
But this should not apply to individuals whose certificate should be limited in time.

Modification :

**OR.GEN.035 Continued validity**  
~~(a) An organisation's approval shall be issued for an unlimited duration. It shall remain valid subject to the certificate not being surrendered, suspended or revoked.~~  
(b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.  
(c) Upon revocation, the certificate shall without delay be returned to the competent authority.

comment 182 comment by: DGAC FRANCE

**OR.GEN.035(a) and b)**

a) We support totally the approach of unlimited duration approval for organisations  
b) The access of the authority should be balanced with the necessary respect of private property

**a) ...provided that the intervals in AR.GEN.305 are changed**

**b) see with EASA legal advisors that it is not going to far to permit access without limits**

comment 213 comment by: ECA- European Cockpit Association

Comment:  
A provision for transfer of activity from one competent authority's scope to another (i.e. change of country) should be added.

Justification:

It is not specified whether an organisation has to re-apply fully in the case of a change in principal place of business, or if continued validity is applicable with some provision.

comment 258 comment by: ECA- European Cockpit Association

Delete, replace and add words:

OR.GEN.035 ~~Continued~~ validity

(a) An organisation's approval shall be issued for an ~~unlimited duration~~ **period of 3 ye ars rene wable**. It shall remain valid **until the expir ation date** subject to the certificate not being surrendered, suspended or revoked.

(b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

(c) Upon revocation, the certificate shall without delay be returned to the competent authority.

JAR required maximum 3 years. The change is not justified

comment 273 comment by: Susana Nogueira

No unlimetd duration.

Time limited approvals gives authority more power to order the organization to follow rules

comment 316 comment by: UK CAA

**Page No:**

5

**Paragraph No:** OR.GEN.035

**Comment:** Comparison with Parts 21A.159, 145.A.90, and 147.A.155 reveals some disparities, notably that validity of the relevant organisation approvals is dependant on continued compliance with the relevant regulations. OR.GEN.035 does not have this clause.

**Justification:** Comparison with existing regulations to facilitate subsequent integration, unless a substantive change is intended in which case the reasoning behind it should be explained.

**Proposed Text (if applicable):** Consider rewording in similar format to Part 21A.159.

comment 317 comment by: UK CAA

**Page No:**

5

**Paragraph No:** OR.GEN.040

**Comment:** Given that this Part is titled Part Organisation Requirements the inclusion of requirements for "persons" seems out of place.

**Justification:** See earlier UK CAA comments. It is not clear which persons

this refers to nor how person is expected to know that a Part titled Part Organisations also covers "persons". This does not seem in keeping with Paragraph 43 of 2008-22a, which notes that Community legislative acts must be precise, leaving no uncertainty in the mind of the reader.

comment

318

comment by: UK CAA

**Page No:**

5 of 83

**Paragraph No:** OR.GEN.035 (b)**Comment:**

Guidance as to what are considered to be "contracted activities" would be beneficial.

**Justification:**

The paragraph recognises that continued validity requirements are valid whether an activity is "contracted or not". There is no reference as to what "contracted" means in the AMC to this paragraph.

comment

387

comment by: Civil Aviation Authority of Norway

Comment to (c);

This should be specified as being applicable to the *original* certificate

comment

635

comment by: Federal Office of Civil Aviation (FOCA), Switzerland

**Comment:**

Organisation certificates shall be issued for a limited period/duration. It shall remain valid for a period of not more than 5 years subject to the certificate .....

Law enforcement action can be taken easier in case of limited certificates.

**Proposal:**

The requirement has to be transferred to AR.GEN and may be added to AR.GEN.310.

comment

739

comment by: CAA-NL

Comment

1. It is suggested to replace "unlimited" by "undetermined" in paragraph (a).
2. It is suggested to separate paragraph (b) from OR.GEN.035 and rename it OR.GEN.037 Access.

Text proposal

OR.GEN.035 Continued validity

(a) An organisation's approval shall be issued for an undetermined duration. It shall remain valid subject to the certificate not being surrendered, suspended or revoked.

(b) Upon revocation, the certificate shall without delay be returned to the competent authority.

OR.GEN.037 Access

Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity,

whether it is contracted or not.

comment 832 comment by: AEA

The title of this article does not cover sub b (or vice versa)

comment 833 comment by: AEA

Relevant text: (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

Comment:

The operator has no say over the facility of a (sub)contractor.

Proposal: "*in case of contracting the operator shall arrange for access* ....." etc.

Note: see previous comment, we believe this paragraph does not match with the "continued validity" title

comment 974 comment by: Luftfahrt-Bundesamt

We do not agree with an AOC's unlimited duration. With regard to unclear penalty requirements and enforcement measures due to the AMC concept which appears to be in contradiction with German jurisdiction (please refer to our general comment and the comment on AR.GEN.020 and AR.GEN.350), a limited duration of an AOC seems to be the only effective way to enforce compliance with the implementing rules.

comment 984 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Comment for (b):**

We support the proposal in general but would like to add the right to inspect aircraft in this requirement. It is not correct to place this right to inspect an aircraft in an AMC (AMC.OR.GEN.035).

This requirement also suffers from the problem of understanding and defining the "appropriate competent authority". Does it refer to the competent authority of the Member State where the activities are performed, or only to the certifying competent authority?

**Proposal for (b):**

Add "aircraft" to the text.

Clarify which competent authorities shall be granted access to the company (and its aircraft).

comment 1227 comment by: Swiss International Airlines / Bruno Pfister

The title of this article does not cover sub b (or vice versa)

comment 1228 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text: (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

Comment:

The operator has no say over the facility of a (sub)contractor.

Proposal: "*in case of contracting the operator shall arrange for access .....*" etc.

Note: see previous comment, we believe this paragraph does not match with the "continued validity" title

comment 1297 comment by: *Virgin Atlantic Airways*

**Relevant text:** (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

**Comment:** The operator has no say over access to the facility of a (sub)contractor.

**Proposal:** "*in case of a contractor the operator shall arrange access.....*" etc.

comment 1329 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.035 Continued validity

The title of this article does not cover sub b (or vice versa)

comment 1330 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.035 Continued validity

Relevant text: (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

**Comment:**

The operator has no say over the facility of a (sub)contractor.

**Proposal:** "*in case of contracting the operator shall arrange for access .....*" etc.

Note: see previous comment, we believe this paragraph does not match with the "continued validity" title

comment 1361 comment by: *KLM*

The title of this article does not cover sub b (or vice versa)

comment 1362 comment by: *KLM*

Relevant text: (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

Comment:

The operator has no say over the facility of a (sub)contractor.

Proposal: "*in case of contracting the operator shall arrange for access .....*" etc.

Note: see previous comment, we believe this paragraph does not match with the "continued validity" title

comment 1425 comment by: *Unique (Zurich Airport)*

- (a) see EU directive on Ground Handling, art. 9 à may need changes in the contracts between the aerodrome and the ground handler
- (b) transition period is necessary for changing contractual agreements
- (c) ok

comment 1462 comment by: *Deutsche Lufthansa AG*

The title of this article does not cover sub b (or vice versa)

comment 1471 comment by: *Deutsche Lufthansa AG*

Relevant text:

(b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

**Comment:**

The operator has no legal say over the facility of a (sub)contractor.

**Proposal:**

"in case of contracting the operator *shall arrange* for access ..."

Note: see previous comment, we believe this sub-paragraph does not match with the paragraph title "continued validity"

comment 1499 comment by: *BMVBS (MoT Germany)*

We do not agree with the unlimited duration of an AOC as the standard case. Based on positive experience with AOCs of limited duration in Germany we strongly recommend to give the competent authority the possibility to decide whether a limited or unlimited duration of the AOC is appropriate.

There is no relation between the title of the Rule and the contents of Paragraph (b). Moreover, the organisation which contracts activities to a third party has no domestic authority over this party. Therefore, the terms of access for personal conducting oversight duties have to be rewritten.

Recommended amendment of the text:

**OR.GEN.035 Continued validity and oversight**

(a) An organisation's approval shall be issued at the decision of the competent

authority for a limited or an unlimited duration. It shall remain valid subject to the certificate not being surrendered, suspended or revoked.

(b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, ~~whether it is contracted or not.~~ In case of contracting the operator shall arrange for access.

comment 1587

comment by: *bmi*

The title of this article does not cover sub b (or vice versa)

comment 1588

comment by: *bmi*

Relevant text: (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

Comment:

The operator has no say over the facility of a (sub)contractor.

Proposal: "*in case of contracting the operator shall arrange for access .....*" etc.

Note: see previous comment, we believe this paragraph does not match with the "continued validity" title

comment 1693

comment by: *Greger Ahlbeck*

OR.GEN.035 Continued validity

Page: 5

Relevant Text:

(b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

Comment:

This requirement suffers from the problem of understanding and defining the "any person". Can a person from a competitor be authorised by a competent authority?

Proposal:

Clarify that the person, granted access to the company (and its aircraft), shall be a person belonging to the competent authority.

comment 1769

comment by: *ACI EUROPE*

-

(a) see EU directive on Ground Handling, art. 9 à may need changes in the contracts between the aerodrome and the ground handler

(b) transition period is necessary for changing contractual agreements

(c) ok

comment 1789

comment by: *ACI EUROPE*

This applies to air operations AOC holders and should not be part of the GEN requirements.

- comment 1818 comment by: *International Air Transport Association (IATA)*  
The title of this article does not cover sub b (or vice versa)
- comment 1819 comment by: *International Air Transport Association (IATA)*  
Relevant text: (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.  
  
Comment:  
The operator has no say over the facility of a (sub)contractor.  
  
Proposal: "*in case of contracting the operator shall arrange for access .....*" etc.  
  
Note: see previous comment, we believe this paragraph does not match with the "continued validity" title
- comment 1827 comment by: *AIR FRANCE*  
The title of this article does not cover sub b (or vice versa)
- comment 1830 comment by: *AIR FRANCE*  
Relevant text: (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.  
  
Comment:  
The operator has no say over the facility of a (sub)contractor.  
  
Proposal: "*in case of contracting the operator shall arrange for access .....*" etc.  
  
Note: see previous comment, we believe this paragraph does not match with the "continued validity" title
- comment 1976 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*  
(a) a) see EU directive on Ground Handling, art. 9 à may need changes in the contracts between the aerodrome and the ground handler  
(b) b) transition period is necessary for changing contractual agreements  
(c) c) ok
- comment 1977 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*  
This applies to air operations AOC holders and should not be part of the GEN requirements.
- comment 1981 comment by: *Walter Gessky*  
Item (a), seems to be an authority requirement. Recommend transfer to AR.
- comment 2016 comment by: *Avinor AS*

This appears to apply to air operations AOC holders and not to certificated aerodromes, and should not be part of the GEN requirements.

comment 2069 comment by: MOT Austria

Item (a), seems to be an authority requirement. Recommend transfer to AR.

comment 2084 comment by: CAE

Paragraph (a) - "unlimited duration" so long as not surrendered, suspended or revoked ; does this apply to FSTD certification also?

comment 2174 comment by: Icelandair

The title of this article does not cover sub b (or vice versa)

comment 2175 comment by: Icelandair

Relevant text: (b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

Comment:

The operator has no say over the facility of a (sub)contractor.

Proposal: "*in case of contracting the operator shall arrange for access .....*" etc.

Note: see previous comment, we believe this paragraph does not match with the "continued validity" title

comment 2339 comment by: FINNAIR

The title of this article does not cover sub b (or vice versa).

comment 2340 comment by: FINNAIR

(b) Any person authorised by the competent authority shall be granted access, from the organisation, to any facility or document related to its activity, whether it is contracted or not.

Comment:

The operator's role in case of the facilities of a (sub)contractor should be reconsidered;

Proposal: "*in case of contracting the operator shall arrange for access .....*" etc.

Note: see previous comment, we believe this paragraph does not match with the "continued validity" title

comment 2373 comment by: Europe Air Sports PM

EAS concurs with and welcomes the proposal for an ATO approval to have continued validity.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 -  
OR.GEN.040 Declaration**

p. 5-6

comment 2 comment by: *CHC Europe EASA Ops Team - representing 550 pilots across Europe*

I cannot find the mentioned Appendix

Initials: DJ-CHC

comment 122 comment by: *DCA Malta*

**OR.GEN.040 (a)(1)**

There is no Appendix 1

comment 169 comment by: *DGAC FRANCE*

**Comment : OR.GEN.040**

Those informations are already defined in PART AR.

Requirements on persons should not be included in PART OR ; **that should apply only to organi sations.** This proves again that the structure is not appropriate or at least not mature enough

Modification :

**OR.GEN.040 Declaration**

(a) When required to declare its activity to the competent authority, ~~a person or~~ an organisation shall:

(1) provide the competent authority with the relevant information, ~~using the form established in Appendix I to this Part ;~~

(2) maintain compliance with the applicable requirements and with the information given in the declaration;

(3) grant access to the competent authority to determine continued compliance with the applicable requirements;

(4) notify the competent authority of any changes affecting its activity and its declaration through submission of an amended declaration.

(b) The organisation ~~or person~~ shall notify the competent authority when it ceases all operations.

comment 183 comment by: *DGAC FRANCE*

**OR.GEN.040**

The scope of this provision is not clear

It should be stated clearly that a person or organisation is required to declare its activity on the basis of a EU regulation

1) Add when required to declare its activity **by another a pro vision of the European community regulation**

2) Sum up for information in one document all the activities which are required

to declaration : GMP, non commercial activity with complex aircraft”

- comment 214 comment by: *ECA- European Cockpit Association*  
 Comment:  
 A provision for transfer of activity from one competent authority's scope to another (i.e. change of country) should be added.  
 Justification:  
 It is not specified whether an organisation has to re-apply fully in the case of a change in principal place of business, or if continued validity is applicable with some provision.
- comment 274 comment by: *Susana Nogueira*  
 (a)(1) Appendix 1 is missing
- comment 276 comment by: *Susana Nogueira*  
 (b) Section 2 (management) is applicable to the persons?
- comment 319 comment by: *UK CAA*  
**Page No:**  
 6 of 83  
**Paragraph No:** OR.GEN.040(a)(1)  
**Comment:** Refers to Appendix 1 to Part OR. The appendix is missing from the document.
- comment 636 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*  
 Appendix I to Part-OR? This Appendix is missing.
- comment 834 comment by: *AEA*  
 A definition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010.
- comment 835 comment by: *AEA*  
**Relevant text:** (a) When required to declare its activity to the competent authority, a person or an organisation shall:.....  
**Comment:** This sub (a) is vague. Under which circumstances does an operator have to declare? Is this up to the CA? Please specify. In our opinion commercial operators should not be subject to declaration when operating non revenue flights.
- comment 985 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

This section does not seem to have corresponding requirements in Part-MED or Part-AR, at least not for persons. As this section also covers persons and not only organisations it should be moved to a more general regulation, or be duplicated in each Part (FCL, MED, OPS, etc.).

Point (1) refers to a form established in Appendix I to this Part. We believe that forms should normally not be included in the requirements.

**Proposal:**

1. Duplicate requirements in relevant parts/subparts to make them applicable to persons.
2. Delete the proposed Appendix 1 as we see no need for developing the form mentioned in the text. The information required in a declaration should be specified in the relevant paragraph.

**Comment for (a) (3):**

As regards granting access, the paragraph lacks precision. It does not specify the organisation site, aircraft, facilities etc.

**Proposal for (a) (3):**

Add "aircraft, organisation site" to the text.

comment

1026

comment by: *Fédération Française Aéronautique*

FFA recommends removing this rule from this subpart GEN and inserting it in a new dedicated subpart because it is misleading, at least for ATOs to which this rule shall not apply. All ATOs are required to be approved in compliance with the Essential Requirements.

It is clear that some organisations shall not need an approval but shall have merely to declare their activity. So, the rule is of interest, but it shall not concern the whole organisations.

To a certain extent, this shows the limitation of the GERT structure, since this rule shall not apply to all "organisations/readers".

Additional complexity will come up with the introduction of rules related to airworthiness, to operations, to aerodromes, to ATM/ANS, reducing the initial advantages of the proposed structure.

comment

1027

comment by: *Fédération Française Aéronautique*

Should an organisation be defined in OR GEN 010 as proposed above, FFA suggests deleting the words "a person" all along this rule.

comment

1028

comment by: *Fédération Française Aéronautique*

OR GEN 040 (a) (1)

This rule refers to a form "established in Appendix 1 to this Part".

***FFA did not succeed in finding it !***

- comment 1059 comment by: CAA Belgium  
p.6 (a)(1)  
Appendix I is missing.
- comment 1152 comment by: FNAM (Fédération Nationale de l'Aviation Marchande)  
**COMMENTS**  
There is no Appendix I to this part published in NPA 2008-22c.  
**PROPOSAL**  
Suppress the reference or add an appendix.  
**JUSTIFICATION**  
Consistency  
  
\*\*\*\*\*  
  
*Disclaimer :*  
*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*  
*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*  
*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*  
*This disclaimer has to be considered as an integrative part of the following comment.*
- comment 1229 comment by: Swiss International Airlines / Bruno Pfister  
A definition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010.
- comment 1230 comment by: Swiss International Airlines / Bruno Pfister  
Relevant text: (a) When required to declare its activity to the competent authority, a person or an organisation shall:.....  
Comment: This sub (a) is vague. Under which circumstances does an operator have to declare? Is this up to the CA? Please specify. In our opinion commercial operators should not be subject to declaration when operating non revenue flights.
- comment 1282 comment by: Virgin Atlantic Airways

**Comment:** Subparagraph (a) needs to clarify under which circumstances an Operator is required to 'declare'

comment 1306 comment by: *Irish Aviation Authority*  
 (a)(1) refers to a form and an Appendix I to this Part. Neither the form nor the Appendix could be found. Can you please say where this form is to reside?  
 DCr 270509

comment 1331 comment by: *TAP Portugal*  
 B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.040 Declaration  
 A definition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010.

comment 1363 comment by: *KLM*  
 A definition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010.

comment 1364 comment by: *KLM*  
**Relevant text:** (a) When required to declare its activity to the competent authority, a person or an organisation shall:.....  
**Comment:** This sub (a) is vague. Under which circumstances does an operator have to declare? Is this up to the CA? Please specify. In our opinion commercial operators should not be subject to declaration when operating non revenue flights.

comment 1426 comment by: *Unique (Zurich Airport)*  
 (b) ceases the activity under the declaration

comment 1472 comment by: *Deutsche Lufthansa AG*  
 A definition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010.

comment 1473 comment by: *Deutsche Lufthansa AG*  
 Relevant text:  
 (a) When required to declare its activity to the competent authority, a person or an organisation shall:.....  
**Comment:**  
 This sub (a) is vague. Under which circumstances does an operator have to declare? Is this up to the CA? Please specify. In our opinion, commercial operators should not be subject to declaration when operating non revenue flights.

- comment 1589 comment by: *bmi*  
 The Appendix I is missing. A définition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010. It should be clearly stated that non-revenue flights by AOC holders do not require such a declaration in addition to the AOC
- comment 1593 comment by: *bmi*  
 Relevant text:  
 (a) A training programme shall be developed for each type of course offered.  
 (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.  
 Comment: Paragraph b) and FCL 725 a) have the same meaning  
 Proposal: Delete OR.ATO.125 b)
- comment 1648 comment by: *CAA CZ*  
 OR.GEN.040 (a)(1), page 6  
 The whole Part OR does not contain "**Appendix 1 to this Part**" mentioned here, i.e. a form for "Declaration".
- comment 1649 comment by: *CAA CZ*  
 OR.GEN.040 (b), page 6  
 The dot or some part of the text is missing.
- comment 1752 comment by: *Norwegian Air Sports Federation*  
 Appendix 1 can not be found
- comment 1770 comment by: *ACI EUROPE*  
 (b) ceases the activity under the declaration
- comment 1791 comment by: *ACI EUROPE*  
 This applies to air operations AOC holders and should not be part of the GEN requirements.
- comment 1820 comment by: *International Air Transport Association (IATA)*  
 A definition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010.
- comment 1821 comment by: *International Air Transport Association (IATA)*  
**Relevant text:** (a) When required to declare its activity to the competent authority, a person or an organisation shall:.....

**Comment:** This sub (a) is vague. Under which circumstances does an operator have to declare? Is this up to the CA? Please specify. In our opinion commercial operators should not be subject to declaration when operating non revenue flights.

comment 1832 comment by: AIR FRANCE

A definition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010.

comment 1910 comment by: DCAA

(a) (a) This article does not state an organisation requirement. Further it seems, that within the EU legislative system (within aviation), there is non consistency regarding this matter.

comment 1978 comment by: Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.

(b) ceases the activity under the declaration

comment 1979 comment by: Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.

This applies to air operations AOC holders and should not be part of the GEN requirements.

comment 1993 comment by: Walter Gessky

Change OR.GEN.040(a)(1)

(1) **apply for verification of the declaration that the applicant complies with the applicable requirements and** provide the competent authority with the relevant information, using the form established in Appendix I to this Part.

Justification:

The competent authority has to verify that the declaration IS IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS. This requires according national rules an application to act.

comment 2018 comment by: Avinor AS

This appears to apply to air operations AOC holders and not to certificated aerodromes, and should not be part of the GEN requirements.

comment 2054 comment by: ERA

Sub (a) is vague. Under which circumstances does an operator have to declare? Is this up to the CA? Please specify.

comment 2070 comment by: MOT Austria

Change OR.GEN.040(a)(1)

(1) **apply for verification of the declaration that the applicant complies with the applicable requirements and** provide the competent authority with the relevant information, using the form established in Appendix I to this

Part.

The competent authority has to verify that the declaration IS IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS. This requires according national rules an application to act.

comment

2141

comment by: CAA Finland

Amend. The responsibility for keeping the records shall be mentioned.

(b) ... when it ceases all operations. **The accountable manager or head of training shall inform how the record keeping will be arranged.**

comment

2176

comment by: Icelandair

A definition of what is a declaration and when it is requested is necessary, see comment on OR.GEN.010.

comment

2177

comment by: Icelandair

**Relevant text:** (a) When required to declare its activity to the competent authority, a person or an organisation shall:.....

**Comment:** This sub (a) is vague. Under which circumstances does an operator have to declare? Is this up to the CA? Please specify. In our opinion commercial operators should not be subject to declaration when operating non revenue flights.

comment

2341

comment by: FINNAIR

It might be helpfull to define *declaration even here*.

comment

2343

comment by: FINNAIR

(a) When required to declare its activity to the competent authority, a person or an organisation shall:.....

Comment: This sub a is vague. Under which circumstances does an operator have to declare? Is this up to the CA? Must be specified. In our opinion commercial operators should not be subject to declaration when operation non revenue flights.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.045 Findings**

p. 6

comment

170

comment by: DGAC FRANCE

**OR.GEN.045 (a) et (b)** should be removed to AR GEN.345 Findings and corrective actions – organisations (a) because it obliges the authority to take into account this classification for the findings

comment

211

comment by: ECA- European Cockpit Association

An AMC about corrective action periods for Level 1 and Level 2 findings is missing.  
See Part 147.B.130 and AMC 147.B.130(b) Findings  
Are these the only level 1 findings?  
Request the use of the proposed AMCs.

comment 212 comment by: ECA- European Cockpit Association

Comment on paragraphe (b): change text as follows:

(b) A level 2 finding is any non-compliance with the applicable requirements of the Basic Regulation and its implementing rules, with the organisation's procedures and manuals or the terms of an approval or certificate **which could lower the safety standards or possibly hazard flight safety.**

Justification:

EASA regulation is a safety regulation. Non-compliance with any of the BR or IR must be understood as lowering the safety standards (that is why the requirements are there for, to defend safety in any way; otherwise they wouldn't exist). EASA cannot leave its own responsibility of the interpretation of any infringement affecting safety or not to any other body.

comment 275 comment by: Susana Nogueira

(a) Delete paragraphs (1) and (2).

Are only examples.

comment 320 comment by: UK CAA

**Page No:**

6

**Paragraph No:** OR.GEN.045(a)

**Comment:** Query use of "hazards flight safety".

**Justification:** Hazard has a particular meaning in Safety Management Systems, which is generally something that has the potential to cause harm. Its use here is inappropriate.

**Proposed Text (if applic able):** "which decreases safety standards and adversely affects flight safety".

comment 321 comment by: UK CAA

**Page No:**

6

**Paragraph No:** OR.GEN.045(a)

**Comment:** It is unclear whether more examples of level 1 findings should have been included.

**Justification:** There is an "or" after (2).

comment 322 comment by: UK CAA

**Page No:**

6

**Paragraph No:** OR.GEN.045

**Comment:** The Agency should include the ability for competent authorities to make recommendations to operators for items that do not justify a Level 2 finding. These recommendations should be cross-referred to in AR.GEN.345(b). Reference to recommendations is already made in AMC2 to AR.GEN.305.

**Justification:** To limit reports solely to adverse findings does not always facilitate the sharing of information in what is a good, recordable format. For example, an aerodrome may carry out the prescribed minimum number of runway inspections but this proves not to be sufficient for its level of operation; recommendations by the competent authority would provide safety good advice for the regulatee.

comment

323

comment by: UK CAA

**Page No:**

6

**Paragraph No:** OR.GEN.045(a)(1)

**Comment:** The need for two written requests for access to have been refused before raising a level 1 finding does not align with Part 21 (one written request).

**Justification:** Refusal of access should be treated as a significant issue, two refusals of written requests is overly generous. Additionally comparison with existing regulations to facilitate subsequent integration.

**Proposed Text (if applicable):** ...operating hours after one written request.....

comment

324

comment by: UK CAA

**Page No:**

6

**Paragraph No:** OR.GEN.045(b)

**Comment:** "hazards flight safety".

**Justification:** Hazard has a particular meaning in Safety Management Systems which is generally something that has the potential to cause harm. Its use here is inappropriate.

**Proposed Text (if applicable):** "which decreases safety standards and adversely affects flight safety".

comment

325

comment by: UK CAA

**Page No:**

6

**Paragraph No:** OR.GEN.045(b)

**Comment:** The definition of a level two finding is overly complex. Consider

similar wording to Part 21. Current NPA definition is dependant on "lowering safety standards" etc, surely non-compliance with the regulation is sufficient without any further caveats?

**Justification:** Clear statement that any non-compliance with the regulations results in a finding.

**Proposed Text (if applicable):** A level 2 finding is any non-compliance with the applicable requirements of the basic regulation or its implementing rules, not classified as a level 1 finding.

comment 368 comment by: *Aero-Club of Switzerland*

Question before commenting: What happens if a country does not accept the newest edition of the Basic Regulation as this is the case with Switzerland with 216/2008?

comment 388 comment by: *Civil Aviation Authority of Norway*

Comment to (a);  
These two conditions can not be considered as a serious hazard the flight safety, as this only affects the administrative condition of the organization. A lack of a nominated person itself does not necessary constitute a flight safety hazard.

comment 389 comment by: *Civil Aviation Authority of Norway*

Comment to (b);  
The definition of a level 2 finding is identical to a level 1 finding, except for the word "significant" used in the level 1 definition. This may be interpreted differently by member states, and some guidelines should be provided.

comment 425 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comments:

The lack of an ACM or nominated PH shall lead to a level 1 finding.

This paragraph is formulated much too incisive. This paragraph shall be formulated much more liberal.

Proposals:

The operator must have a competent person replacing the missing postholder until a new PH can be nominated.

An operator shall not be punished with a level 1 finding if one of the management staff leaves the company without prior announcement (or by accident).

comment 429 comment by: *FlightSafety International*

**Comment**

The word "or" at the end of the sentence implies the following section (b) is also a Level 1 finding

**Proposal**

Delete the word "or" at the end of (a)(2)

**Impact to FlightSafety**

Inclusion of the word "or" implies that Level 2 findings are also Level 1 findings, thus causing confusion to the reader. The elimination of the word "or" clarifies the categorization of findings much more clearly

comment 600

comment by: *Heliswiss AG, Belp*

OR.GEN.045 (a) (2)

Due to the increasing number of regulations, training and experience requirements, it is becoming ever harder to find qualified personnel. If e.g. the resignation of a postholder is a Level 1 finding, an organisation is pressured not to take the best applicant for the job but the first one. Furthermore, it should be possible to find transitional arrangement until another qualified person can be nominated.

"(2) the lack of an accountable manager or nominated persons" should be moved to a level 2 finding

comment 619

comment by: *Heli Gotthard*

OR.GEN.045 (a) (2)

Due to the increasing number of regulations, training and experience requirements, it is becoming ever harder to find qualified personnel. If e.g. the resignation of a postholder is a Level 1 finding, an organisation is pressured not to take the best applicant for the job but the first one. Furthermore, it should be possible to find transitional arrangement until another qualified person can be nominated.

"(2) the lack of an accountable manager or nominated persons" should be moved to a level 2 finding

comment 637

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

(a)(2)

Comment:

It seems that something is missing after "or"?

Proposal:

delete "or"

comment 638

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment:

This paragraph still has to be developed.

Proposal:

Additionally Tthe following shall be also considered as level 1 findings:

(1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;

(2) the lack of an accountable manager or nominated persons necessary to ...

comment 642

comment by: *Air Grischa Helikopter AG*

OR.GEN.045 (a) (2)

Due to the increasing number of regulations, training and experience requirements, it is becoming ever harder to find qualified personnel. If e.g. the resignation of a postholder is a Level 1 finding, an organisation is pressured not to take the best applicant for the job but the first one. Furthermore, it should be possible to find transitional arrangement until another qualified person can be nominated.

"(2) the lack of an accountable manager or nominated persons" should be moved to a level 2 finding

comment 666

comment by: *Berner Oberländer Helikopter AG BOHAG*

OR.GEN.045 (a) (2)

Due to the increasing number of regulations, training and experience requirements, it is becoming ever harder to find qualified personnel. If e.g. the resignation of a postholder is a Level 1 finding, an organisation is pressured not to take the best applicant for the job but the first one. Furthermore, it should be possible to find transitional arrangement until another qualified person can be nominated.

"(2) the lack of an accountable manager or nominated persons" should be moved to a level 2 finding

comment 707

comment by: *Stefan Huber*

OR.GEN.045 (a) (2)

Due to the increasing number of regulations, training and experience requirements, it is becoming ever harder to find qualified personnel. If e.g. the resignation of a postholder is a Level 1 finding, an organisation is pressured not to take the best applicant for the job but the first one. Furthermore, it should be possible to find transitional arrangement until another qualified person can be nominated.

"(2) the lack of an accountable manager or nominated persons" should be moved to a level 2 finding

comment 740

comment by: *CAA-NL*

Comment

1. (1) and (2) are additional level 1 findings.
2. It is suggested to specify the corrective action plan.

Text proposal

"The following shall also be considered level 1 findings:"

(c) After receipt of notification of findings, the organisation shall:  
 (1) determine the root cause,  
 (2) define a corrective action plan, which establishes the correction of the non-compliance and its consequences and the prevention of reoccurrence, and  
 (3) demonstrate corrective action implementation to the satisfaction of the competent authority within a period agreed with that authority.

comment 836

comment by: AEA

**Comment:** Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 837

comment by: AEA

**Relevant text:**

The following shall be considered level 1 findings:

- (1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;
- (2) the lack of an accountable manager or nominated persons; **or**

**Comment:**

The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow

**Proposal**

Delete "or" at the end of (a) (2)

comment

987

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)**Comment:**

Point (a): A level 1 finding is defined in this paragraph but the wording gives the impression that the examples are an exhaustive list of level 1 findings. The given examples diminish the importance of the paragraph. Therefore the wording "in addition to the above" or "The following, non exhaustive list, shall be considered level 1 findings.

Point (c): It is not clear which of all Competent Authorities can raise a finding and with which of these authorities the organisation should agree on an implementation plan.

**Proposal:**

Point (a): The wording be changed with "in addition to the above" or "The following, non exhaustive list" shall be considered level 1 findings.

Point (c): Distinguish between "Main" or "Certifying" Authority and other competent authorities that may perform oversight on their territories.

comment

1029

comment by: Fédération Française Aéronautique

Page 6 : OR GEN 045 Findings

FFA notes that items (a) and (b) are typically definitions with no other added value.

Therefore, these two items should be removed from this rule and inserted in OR GEN 010 Definitions.

comment 1060 comment by: CAA Belgium

(a)

Proposal: Delete the paragraphs (1) and (2).

Reason: There are other level 1 possible.

comment 1153 comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**See also comments AR.GEN.345**

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Comments

"Level 1 findings" and "level 2 findings" are defined in OR.GEN.045 and not in Part AR.

Proposal

We suggest a specific part of the EASA regulation framework may contain a comprehensive and exhaustive list of definitions, applicable to the whole EASA regulation, which is the best way to have consistent and non-redundant definitions.

Justification

Non-consistent, redundant or with a limited-applicability field definitions, might be a legal issue.

It might be a source of misunderstanding and cause problems of reading.

It does not comply with the objective of the Agency not to repeat the same things in different articles.

Please also note "level 1 findings" and "level 2 findings" are (at this stage) repeated in OR.GEN.045 and part-145 ( Regulation (EC) N° 2042/2003, Annex II/ Part 145, Findings 145.A.95, page 58)

\*\*\*

**COMMENTS**

We understand of the wording of AR.GEN.345 (a) that any other findings than explicitly specified in (a)(1) or/and (a)(2) **and** not lowering the safety standards according to (a) shall not be considered as level 1 findings.

**PROPOSAL**

If our understanding is correct, please clarify sentence in (a):

"The following **and only the following** shall be **additionnaly** considered as level 1 findings".

**JUSTIFICATION**

Clarity and understanding.

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of*

*regulation. Some additional comments shall arise.  
The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.  
FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.  
This disclaimer has to be considered as an integrative part of the following comment.*

comment 1174 comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

### **COMMENTS**

To a global extend, **planned** audits, surveys, inspections shall be noticed by the Competent authority to an organization with a 'sufficient' delay.

### **PROPOSAL**

A minimum thoughtfulness delay shall be precised for Competent authorities to notify **planned** audits, surveys, inspections to an organization  
Such a delay shall be of 4 weeks.

### **JUSTIFICATION**

This would be consistent with the 4-week delays and other similar delays stated elsewhere in part-OR (for instance AMC OR.GEN.030/035/040).

\*\*\*

### **COMMENTS**

A response delay for organizations shall be notified in this article.

\*\*\*

### **Specific to maintenance industry**

« After receipt of notification of findings, the organisation shall define a corrective action plan and demonstrate corrective action implementation to the satisfaction of the competent authority within a period agreed with that authority. »

There is not uniformly defined response period (which is the case in current legislation) . This allow more flexibility but for a same finding found in two different states, the entry into progress period of the corrective action may be different, so favoring one of the organizations. We regret that there is no harmonization preventing a favoritism of states towards their organizations.

\*\*\*\*\*

### *Disclaimer :*

*These comments are limited to the part of the proposed article they refer to.  
Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle*

*meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.  
This disclaimer has to be considered as an integrative part of the following comment.*

comment 1231 comment by: *Swiss International Airlines / Bruno Pfister*  
Comment: Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 1232 comment by: *Swiss International Airlines / Bruno Pfister*  
Relevant text  
:  
The following shall be considered level 1 findings:  
(1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;  
(2) the lack of an accountable manager or nominated persons; **or**  
Comment:  
The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow  
Proposal  
Delete "or" at the end of (a) (2)

comment 1288 comment by: *Virgin Atlantic Airways*  
**Comment:**  
OR.GEN.045 (a)(2) "the lack of an accountable manager or nominated persons; **or**"  
The use of the word "or" here appears to be unnecessary  
**Proposal:**  
Delete the word "or"

comment 1311 comment by: *Irish Aviation Authority*  
The list of examples of findings in (a) is incomplete, since (2) ends with the word 'or'. See elsewhere; lists such as this, if not complete are confusing and should be preceded with a phrase such as 'but not restricted to'.  
DCr 270509

comment 1314 comment by: *Ryanair*  
**OR.GEN.045 – Findings**  
**Comment**

The references appear to relate to a competent authority's oversight (AR) rather than Organisation Requirements (OR)

The current wording allows for an individuals' non-compliance, rather than a company non-compliance, being raised as a level 1 finding.

**Proposal**

(a) A level 1 finding is any *approved organisation's* significant non-compliance with the applicable requirements of the Basic Regulation and its implementing rules or the terms of an approval or certificate which lowers the safety standards and seriously hazards flight safety.

(a)(2) Remove second 'OR'(typo?)

(b) A level 2 finding is any *approved organisation's* non-compliance with the applicable requirements of the Basic Regulation and its implementing rules or the terms of an approval or certificate which could lower the safety standards or possibly hazards flight safety.

comment 1332

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.045 Findings

**Comment:** Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 1333

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 1 - OR.GEN.045 Findings

**Relevant text:**

The following shall be considered level 1 findings:

(1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;

(2) the lack of an accountable manager or nominated persons; **or**

**Comment:**

The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow

**Proposal**

Delete "or" at the end of (a) (2)

comment 1366

comment by: KLM

**Comment:** Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 1367

comment by: KLM

**Relevant text:**

The following shall be considered level 1 findings:

(1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;  
 (2) the lack of an accountable manager or nominated persons; **or**

**Comment:**

The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow

**Proposal**

Delete "or" at the end of (a) (2)

comment 1428 comment by: *Unique (Zurich Airport)*

- three levels of findings need to be established  
 - "lowers the safety standard and seriously hazards flight safety" need to be adjusted for aerodromes, it is to general like this  
 To consider: Definition of Findings could be included in the AR.GEN with a cross reference in OR.GEN

comment 1476 comment by: *Deutsche Lufthansa AG*

**Comment:** Definitions are needed for this part. In particular "level 1 findings" and "level 2 findings" should be defined in the definition part.

comment 1478 comment by: *Deutsche Lufthansa AG*

**Relevant text:**

The following shall be considered level 1 findings:

(1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;  
 (2) the lack of an accountable manager or nominated persons; **or**

**Comment:**

The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow

**Proposal**

Delete "or" at the end of (a) (2)

comment 1500 comment by: *BMVBS (MoT Germany)*

The term "finding" has to be defined in OR.GEN.010. There is an editorial error at the end of Paragraph (1). The word "or" at the end of (a) (2) has no use and shall be deleted. The last word "or" indicates that another subparagraph will follow, which is clearly not the case.

Recommended amendment of the text:

The following shall be considered level 1 findings:

(1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;  
 (2) the lack of an accountable manager or nominated persons; ~~or~~ .

comment 1595 comment by: *bmi*

Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 1596 comment by: *bmi*

**Relevant text:**  
 The following shall be considered level 1 findings:  
 (1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;  
 (2) the lack of an accountable manager or nominated persons; **or**

**Comment:**  
 The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow

**Proposal**  
 Delete "or" at the end of (a) (2)

comment 1773 comment by: *ACI EUROPE*

three levels of findings need to be established

- "lowers the safety standard and seriously hazards flight safety" need to be adjusted for aerodromes, it is to general like this
- To consider: Definition of Findings could be included in the AR.GEN with a cross reference in OR.GEN

comment 1823 comment by: *International Air Transport Association (IATA)*

Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 1825 comment by: *International Air Transport Association (IATA)*

**Relevant text:**  
 The following shall be considered level 1 findings:  
 (1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;  
 (2) the lack of an accountable manager or nominated persons; **or**

**Comment:**  
 The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow

**Proposal**  
 Delete "or" at the end of (a) (2)

comment 1834 comment by: *AIR FRANCE*

**Comment:** Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 1836 comment by: *AIR FRANCE*

**Relevant text:**  
 The following shall be considered level 1 findings:  
 (1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;  
 (2) the lack of an accountable manager or nominated persons; **or**

**Comment:**  
 The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow

**Proposal**

Delete "or" at the end of (a) (2)

comment	1912	comment by: DCAA
	This article does not state an organisation requirement.	
	(a)(2) (a)(2)The Danish CAA disagrees, that a missing AM/NPH immediately shall be considered as a Level 1 finding. Further, the sentence ending with ";or" indicates that something is missing, which we agree to.	
comment	1980	comment by: Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.
	<ul style="list-style-type: none"> <li>• three levels of findings need to be established</li> <li>• "lowers the safety standard and seriously hazards flight safety" need to be adjusted for aerodromes, it is to general like this</li> <li>• To consider: Definition of Findings could be included in the AR.GEN with a cross reference in OR.GEN</li> </ul>	
comment	1997	comment by: Walter Gessky
	OR.GEN.045(a) In the text after (2) or seams to be that something is missing.add a new (3): (3) refuse to accept unannounced inspections two times. Justification: According ICAO SARPs random inspections are requested.	
comment	2029	comment by: TNT Airways
	(2) the lack of an accountable manager or nominated persons; <b>or</b>	
	Comment: The « or » at the end of (a) (2) has no use. Proposal Delete "or" at the end of (a) (2)	
comment	2049	comment by: Avinor AS
	The rationale behind the proposed two levels of findings is not documented. It should be assessed whether this is sufficient for aerodromes and ATM/ANS. The term "lowers the safety standard and seriously hazards flight safety" need to be clarified.	
comment	2055	comment by: ERA
	Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.	
	The following shall be considered level 1 findings: (1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests; (2) the lack of an accountable manager or nominated persons; <b>or</b> The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow but none does. Therefore delete "or" at the	

end of (a) (2).

comment 2071 comment by: *MOT Austria*

OR.GEN.045(a)

In the text after (2) or seems to be that something is missing.

add a new (3):

(3) refuse to accept unannounced inspections two times.

Justification:

According ICAO SARPs random inspections are requested.

comment 2178 comment by: *Icelandair*

**Comment:** Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 2179 comment by: *Icelandair*

**Relevant text:**

The following shall be considered level 1 findings:

(1) failure to give the competent authority access to the organisation's facilities during normal operating hours after two written requests;

(2) the lack of an accountable manager or nominated persons; **or**

**Comment:**

The « or » at the end of (a) (2) has no use. The last word "or" indicates that another subparagraph will follow

**Proposal**

Delete "or" at the end of (a) (2)

comment 2344 comment by: *FINNAIR*

Definitions are needed for this part. In particular level 1 and level 2 findings should be in the definition part.

comment 2348 comment by: *Icelandic CAA*

(a) Consider removing the examples of level 1 findings.

comment 2412 comment by: *FlightSafety International*

Repetitive nature is not specified. Is this defined by the Member State or EASA? What is the time frame for a decision under this rule? Since a Member State only can issue an Article 14 (4) Exemption, for ATOs outside a member state whose competent authority is EASA, how can there be a level playing field?

Requests from ATOs and airlines are often time critical, so a maximum time frame should be established.

Premise for the rule-making process is a level playing field however this puts non European based ATOs at a distinct disadvantage.

comment 2455 comment by: *Iberworld Airlines*

About NPA 2008-22C OR.GEN.045 FINDINGS, OR.GEN.200 and AMC OR.GEN.200, several inconsistencies are found:

1. "Finding" and "non-compliances" are the words used in OR.GEN.045 but in the corresponding AMC other words are used "deviation report" and "management evaluation report" that are not defined previously. Would be much better to use defined words ("finding report", etc.)

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2**

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comment 156

comment by: DGAC FRANCE

**Comment to OR.GEN 200 to 220**

All requirements of AR.GEN.200, AR.GEN.205 and AR.GEN.220 are complied with under ISO continued certification. Additional requirements by EASA would require additional work and resources for both the authority and the Agency without any additional value.

**Add an AMC to AR.GEN.200 - ISO Certification**

**ISO successful initial and renewal certification of the competent authority is an equivalent to paragraph AR.GEN.200, AR.GEN.205 and AR.GEN.220.**

comment 289

comment by: Susana Nogueira

This section is a mix of JAR-FCL requirements for FTOs and TRTOs. This text must be reviewed completely.  
Rule is too binding.  
Some parts might be better placed in AMC

comment 1030

comment by: Fédération Française Aéronautique

FFA highlights that the essential requirements call for a safety management system and a quality management system. Besides, the Agency proposes to set them up under proportionate rules (see NPA 2009-22a page 62 "Executive summary").

FFA fully supports this important principle.

So, FFA proposes to change the title of this section into "Safety and Quality management".

comment 2031

comment by: EPFU is the European Union of national powered flying organisation from the 10 main European countries

**EPFU** believes that this section is particularly not adapted to non commercial, non profit small organisation as aero-clubs and associations. Implementation of this section will add unnecessary and unrealistic burden to those small organisations.

So EPFU thinks that Section 2 requirements must apply to "other/large organisation" only.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 -**

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<b>OR.GEN.200 Management system</b>
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comment 65 comment by: *British Gliding Association*

Gliding training in member states currently takes place under the oversight of gliding federations. Almost without exception, the training is non-commercial and not for profit in nature and delivered by volunteers. The gliding federations have in place management systems that provide adequate quality and safety management. All deliver the training 'product' through the clubs. Clearly EASA FCL requires a standardised approach. but standardisation should not be used as a tool to add bureaucratic and economic burden on gliding and its participants. The BGA welcomes the comment at OR.GEN.200 (b), but notes that in fact the detail within NPA 22 does not appear to consider the 'nature and complexity' of gliding.

Most of the following comments reflect on this important point.

comment 93 comment by: *Keven BAINES - MD Baines Simmons Limited*

Para. (a) (5) this suggests that hazards are reactive, in that the organisation has experienced an occurrence. The very essence of Safety Management is that we identify potential hazards by proactive means, this could be by a 'near-miss' reoport (i.e. something that has been identified as a result of a human error that had not resulted in an occurrence, but is left unaddressed might. the aim of taking corrective action in such a case is to minimise the likelihood of or simply to reduce the risk of occurrence. Suggest a that this be amended accordingly. We feel that the essence of SMS is to capture hazards in a proactive or even predictive manner.

comment 154 comment by: *DGAC FRANCE*

**OR.GEN 200 Management system**

**Ref. ICAO - AN Programme A2-SMS-SMS1: Safety management (AN-WP/8332 - 11/09/08)**

**Ref. EU-OPS 1.035, 1.037**

**FAA presentation to EC AST (March 12, 2009): SMS International Collaboration & Industry Outreach Program**

**NPA 2008-22(a): 2.3.3.2 Non consistent rules for AR**

Comment :

**OR.GEN 200 Management system**

The name « Management System » can be understood as the management system of the whole organisation (including financial, industrial strategy, human resources, etc.)

There is a risk that the Safety and Compliance Monitoring functions will not be independent from the Accountable Manager.

The functions Safety Management and the function Compliance Monitoring System are not clearly stated, nor is their relationship.

There is a risk that function of Safety Management would be reduced to a Compliance Monitoring exercise.

The paragraph and its AMC are not consistent with ICAO framework and

guidance for SMS. The ICAO framework is based on 4 principles: Safety policy and objectives, Safety risk management, Safety assurance, Safety promotion. Other operators (ATM and Airports) who will be under the Agency scope have already implemented and certified SMS according to those ICAO principles.

The new scheme proposed by the Agency would be detrimental and a burden for operators that have already started to implement a SMS based on ICAO requirements. A lot of guidance and training courses have already been published and offered (including ICAO; ESSI / ECAST, FAA, Eurocontrol) that refer to those principles. The Agency has not provided any argument to justify divergence from the rest of the world's best practices.

The FAA through FAA/TCCA/EASA "SMS collaboration working group" has informed that one agreement was that "Use ICAO framework as the foundation; deviations need to be thoroughly explored, documented, and explained". EASA should be mindful of those international collaboration issues.

This paragraph is not consistent with the AMC OR.GEN.200.

This paragraph concerns other systems than the safety management system. This paragraph appears to cover quality management system but does not say so explicitly.

The concept of merging Quality management and Safety Management is based on the history of airlines reporting systems, quality systems and safety management systems. This is not consistent with other domain state of the art. For aerodromes, the reporting culture is not developed and there is no regulated quality system. For ATM, there is a strong reporting culture and maturing SMS but no regulated quality systems. For Maintenance organisation, the reporting culture (on operational events, not technical issue) is being developed through recent part 145 human factors requirements.

Therefore the proposal runs the risk of difficult and varying implementation issues for the various mentioned domains when the Agency is fully responsible for those. The expected harmonised result is highly improbable under those circumstances.

In addition it is impossible to assess the impact of IR OR and AR for aerodromes and ATM without the corresponding IR.

For all these reasons, it is strongly recommended to adhere as much as possible to ICAO requirements.

MODIFY Paragraph **OR.GEN 200**: Title **Management OF SAFETY**

The title of OR GEN 200 shall be changed as : "management of Safety"

a) An organisation shall

OR.GEN.200 Management system

(a) An organisation shall ~~establish and maintain a management system that includes:~~ be managed, taking into account safety at the highest level.

In order to do so, it shall manage safety by implementing the functions of SMS as defined by ICAO and a function to monitor compliance with the relevant safety requirements.

~~(1) a safety policy;~~

~~(2) a process for identifying safety hazards and for evaluating and managing the~~

~~associated risks;~~

~~(3) clearly defined lines of safety accountability throughout the organisation, including a direct accountability for safety on the part of senior management;~~

~~(4) personnel trained and competent to perform their tasks;~~

~~(5) a process for reporting and analysing hazards, incidents and accidents and for taking corrective actions to prevent their recurrence;~~  
~~(6) an organisation manual containing all management system processes, including a process for making personnel aware of their responsibilities and an amendment procedure;~~

**1. Safety policy and objectives**

**1.1 – Safety policy**

**1.2 – Management commitment and safety accountabilities**

**1.3 – Appointment of key safety personnel**

**1.4 – Coordination of emergency response planning**

**1.5 – SMS documentation**

**2. Safety risk management**

**2.1 – Hazard identification**

**2.2 – Safety risk assessment and mitigation**

**3. Safety assurance**

**3.1 – Safety performance monitoring and measurement**

**3.2 – The management of change**

**3.3 – Continuous improvement of the SMS**

**4. Safety promotion**

**4.1 – Training and education**

**4.2 – Safety communication**

~~(7 5) a function to monitor compliance of the management system **organisation** with the relevant **safety** requirements and adequacy of the procedures. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure corrective action as necessary; and~~

~~(8 6) any additional requirements that are prescribed in this Part.~~

~~b) The **management of safety** ...(keep the rest of the paragraph )~~

comment

155

comment by: DGAC FRANCE

**Additional comment to support ou proposal in comment n°154  
 OR.GEN.200 Management system (a)(5) a process for reporting...**

Ref. EU-OPS 1.037

**Regulation 2003/42/CE (June 2003)**

Reporting and analysing accidents TO PREVENT THEIR RECURRENCE is consistent with the "accident and serious incident investigation" process. However analysing hazards, incidents TO PREVENT THEIR RECURRENCE is against all known principles for incident analysis. The objective of incident and operational events analysis is not to prevent the reoccurrence of the same event. The objective is to understand the circumstances, functioning of safety barriers and improve their efficiency to ensure safety. This is done on a large scale level (large number of event investigated). Additionally preventing occurrence of DANGERS is a totally unrealistic requirement since dangers are an inherent part of any high risk industry such as aviation. Both processes are necessary and complementary. This paragraph is unclear and misleading.

**See general comment on OR.GEN 200 for proposed modifications**

comment

171

comment by: DGAC FRANCE

**OR.GEN.200(a)**  
**OR.GEN.200.(a)(3)**  
**OR.GEN.210(b)**  
**NPA 2008-22(a) – article 39**  
**NPA 2008-22(a) – 2.3.1**

There is a nominated manager to verify compliance in OR.GEN.210(b) and AMC 1 to OR.GEN.200(a)(7).

However the nomination of the Safety Manager mentioned in AMC 2 to OR.GEN.200(a)(3) is nowhere mentioned.

The safety manager has a compliance monitoring function (AMC2 OR.GEN.200.A.3).

The function of safety manager and responsible for the compliance monitoring programme is not defined at OR level.

Those functions are vague in the AMC (AMC OR.GEN.200 (a)(3) and AMC OR.GEN.200 (a)(7).

It follows that there is a discrepancy in the nomination process between the safety manager (in AMC) and the other managers (in the rule).

It also follows that there is confusion between the role of the manager of the compliance monitoring system and that of the safety manager who both have compliance monitoring functions.

Additionally there is no reference to a manager responsible for the "Management System".

comment

186

comment by: DGAC FRANCE

**Additional comments to OR GEN 200**

1. We support strongly the idea in OR GEN 200 b) that the management of safety shall be adapted to the size, nature and complexity of the activities.

Nevertheless, we consider that the criteria of 20 persons (proposed by EASA in AMC) is arbitrary, not adapted and should be more flexible. The AMC is too prescriptive. The SMS should be flexible and adapted to the size, nature and complexity of the activity. However there are only 2 options: small and other organisations. The requirements for "other" organisations cover a wide variety of operators that do not have the same resources. The cost to industry is largely underestimated in the RIA

We consider that the main criterias to define a small organisation should be defined in the Implementation rules and not in AMC for it is very important to have the same level of standards in the EU.

2. Thus, for small structures, a progressive enter into force should be organised in the transitional measures. An entry into force in one time is too burdensome for small organisations

**Develop transitional measures which could be based on the following scheme (e.g) :**

**1er year :**

**An organisation shall establish Safety policy, Management commitment and safety accountabilities, Appointment of key safety personnel**

**Second year :**

**An organisation shall establish Coordination of emergency response planning, SMS documentation (Safety risk management, Hazard identification ...)**

comment 188

comment by: DGAC FRANCE

**AMC1 to OR.GEN.200 200 (a) (2)**

The AMC requires operators to develop hazard identification, risk analysis and mitigation processes "in a simplified manner". There are no guidance or acceptance criteria to guide those operators on what is acceptable. "simplified manner" is not a regulatory concept. This will lead to non uniform implementation throughout Europe and between operators. This is a safety risk.

The Agency should develop guidance for small operators in the form of GM. The deliverables of ESSI / ECAST / SMS – Safety culture working group does not address small operators hazard identification, risk analysis and mitigation processes and does not contain operational examples which might help small operators comply with the requirement.

This is also an issue for the competent authority since no criteria exists to support oversight.

**Add GM to OR.GEN.200.  
Develop GM for small operators.**

comment 190

comment by: DGAC FRANCE

**AMC to OR.GEN.200 (a) (5)**

This AMC is not clear regarding EU Directive 2003/42

There is no reference to applicable European regulation for incidents reporting systems.

The scope of the scheme is not clear as §2. mentions "relevant" incidents/accidents, §3. gives a definition that reads "occasions where routine procedures have failed", and §4. talks about "occurrences". Does the scheme also cover confidential reporting systems?

**Develop transitional measures**

comment 215

comment by: ECA- European Cockpit Association

A reference to confidentiality of reporting information, Flight Data Monitoring, etc. should be added.

comment 259

comment by: ECA- European Cockpit Association

Add new paragraph:

**(8) The compliance monitoring system shall include procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.**

(89) any additional requirements that are prescribed in this Part.

Justification:  
Explanation from JAR-OPS 1.035 is missing.

comment 278 comment by: *Susana Nogueira*  
(a) No reference to the quality control

comment 326 comment by: *UK CAA*  
**Page No:**  
7  
**Paragraph No:** OR.GEN.200 (a)  
**Comment:** It is unclear whether paras (a) 1 to 8 all apply to Aeromedical Centres or just paras 2, 4 and 6 as specified in OR.AeMC.200 (page 22).  
**Justification:** Clarity  
**Proposed Text (if applicable):** Additional text: 'An organisation, except as specified in OR.AeMC.200, shall establish...'

comment 327 comment by: *UK CAA*  
**Page No:**  
7  
**Paragraph No:** OR.GEN.200 (a)  
**Comment:** Paragraphs (a) 1 to 5 and their corresponding AMCs do not align with the ICAO framework and its four principal headings in ICAO DOC 9859:  
Safety Policy and Objectives  
Safety Risk Management  
Safety Assurance  
Safety Communication  
Though the content of the rule and the AMC appears to reflect the ICAO content, by reinventing and changing headings this is likely to cause confusion.  
**Justification:** This may cause confusion in terminology and make demonstrating compliance with ICAO requirements difficult. This will also create difficulties for those organisations that have already developed SMS against the ICAO requirements laid out in ICAO Doc 9859 especially for Aerodromes and Air Navigation Providers.  
**Proposed Text (if applicable):** The rule and the corresponding AMC should be laid out in line with the ICAO Framework as detailed below.  

1. Safety policy and objectives
  - 1.1 – Management commitment and responsibility
  - 1.2 – Safety accountabilities
  - 1.3 – Appointment of key safety personnel
  - 1.4 – Coordination of emergency response planning
  - 1.5 – SMS documentation
2. Safety risk management
  - 2.1 – Hazard identification
  - 2.2 – Safety risk assessment and mitigation

- 3. Safety assurance
  - 3.1 – Safety performance monitoring and measurement
  - 3.2 – The management of change
  - 3.3 – Continuous improvement of the SMS
- 4. Safety promotion
  - 4.1 – Training and education
  - 4.2 – Safety communication

comment	<p>328</p> <p style="text-align: right;">comment by: UK CAA</p> <p><b>Page No:</b> 7 of 83</p> <p><b>Paragraph No:</b> OR.GEN.200(a)(1)</p> <p><b>Comment:</b> Currently, the need for the Accountable Manager to endorse the Safety Policy is in the AMC. This should be moved to the rule.</p> <p><b>Justification:</b> The commitment of the Accountable Manager to the safety policy is key to the entire safety management system.</p> <p><b>Proposed Text (if applicable):</b></p> <p>(a)(1) a safety policy, <i>endorsed by the Accountable Manager.</i></p>
comment	<p>369</p> <p style="text-align: right;">comment by: Aero-Club of Switzerland</p> <p>Question before commenting: Does a framework exist which contains all the elements from (1) to (8)?</p>
comment	<p>390</p> <p style="text-align: right;">comment by: Civil Aviation Authority of Norway</p> <p>Comment to (a)(4); Training and competency of personnel is covered by other regulations, and does not need to be specified as a part of the MS.</p>
comment	<p>391</p> <p style="text-align: right;">comment by: Civil Aviation Authority of Norway</p> <p>Comment to (a)(6); If the Organization Manual is supposed to replace the Quality Manual and/or the Safety Manual, the content of the Organisation Manual must be expanded to cover for this. The current content does not correspond to the ER Annex IV, point 8g(ii), which seem to apply to Part M organisations rather than to operators.</p>
comment	<p>392</p> <p style="text-align: right;">comment by: Civil Aviation Authority of Norway</p> <p>Comment to to (a)(7); The term "a function" is unclear. If this is meant to be a quality manager, the proper term should be used.</p>
comment	<p>393</p> <p style="text-align: right;">comment by: Civil Aviation Authority of Norway</p> <p>Comment to (a)(8);</p>

The MS should be a coherent system covering the organisation as a whole, and should not be limited to the content of the Part OR.

comment 603

comment by: *Heliswiss AG, Belp*

The Organisational Management should not only include the SMS but all the organisational requirements that are scattered over the OPS Manual of the commercial flight ops, the Training Manual and the Operations Manual of the ATO, the CAME and the Maintenance Operations Manual. For an organisation working with all parts, this is a nightmare. All the organisational procedures of the company should be described in the Organisational Manual and the according Manuals should be relieved of these parts. This would give a clear picture of how the company really works and who has which function in the company.

Proposition:

3. The SMS and the organisational Parts of Training Manual, Operations Manuals, Maintenance Operations Manual and CAME may be included in the Organisation Manual.

comment 620

comment by: *Heli Gotthard*

The Organisational Management should not only include the SMS but all the organisational requirements that are scattered over the OPS Manual of the commercial flight ops, the Training Manual and the Operations Manual of the ATO, the CAME and the Maintenance Operations Manual. For an organisation working with all parts, this is a nightmare. All the organisational procedures of the company should be described in the Organisational Manual and the according Manuals should be relieved of these parts. This would give a clear picture of how the company really works and who has which function in the company.

Proposition: 3. The SMS and the organisational Parts of Training Manual, Operations Manuals, Maintenance Operations Manual and CAME may be included in the Organisation Manual.

comment 639

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment:

The **essential part** of the organisation manual should be approved by the CA.

Proposal:

AR.GEN.310

New (d)

The essential part of the organisation manual should be approved by the competent authority.

comment 643

comment by: *Air Grischia Helikopter AG*

The Organisational Management should not only include the SMS but all the organisational requirements that are scattered over the OPS Manual of the commercial flight ops, the Training Manual and the Operations Manual of the

ATO, the CAME and the Maintenance Operations Manual. For an organisation working with all parts, this is a nightmare. All the organisational procedures of the company should be described in the Organisational Manual and the according Manuals should be relieved of these parts. This would give a clear picture of how the company really works and who has which function in the company.

Proposition:

3. The SMS and the organisational Parts of Training Manual, Operations Manuals, Maintenance Operations Manual and CAME may be included in the Organisation Manual.

comment

667

comment by: *Berner Oberländer Helikopter AG BOHAG*

The Organisational Management should not only include the SMS but all the organisational requirements that are scattered over the OPS Manual of the commercial flight ops, the Training Manual and the Operations Manual of the ATO, the CAME and the Maintenance Operations Manual. For an organisation working with all parts, this is a nightmare. All the organisational procedures of the company should be described in the Organisational Manual and the according Manuals should be relieved of these parts. This would give a clear picture of how the company really works and who has which function in the company.

Proposition:

3. The SMS and the organisational Parts of Training Manual, Operations Manuals, Maintenance Operations Manual and CAME may be included in the Organisation Manual.

comment

708

comment by: *Stefan Huber*

The Organisational Management should not only include the SMS but all the organisational requirements that are scattered over the OPS Manual of the commercial flight ops, the Training Manual and the Operations Manual of the ATO, the CAME and the Maintenance Operations Manual. For an organisation working with all parts, this is a nightmare. All the organisational procedures of the company should be described in the Organisational Manual and the according Manuals should be relieved of these parts. This would give a clear picture of how the company really works and who has which function in the company.

Proposition:

3. The SMS and the organisational Parts of Training Manual, Operations Manuals Maintenance Operations Manual and CAME may be included in the Organisation Manual.

comment

741

comment by: *CAA-NL*

Comment

The management system may need to include additional requirements that are prescribed in other applicable parts.

Text proposal

(8) any additional requirements that are prescribed in this Part and other applicable parts.

comment

780

comment by: *European HF Advisory Group***Page No: 7****Paragraph No: OR.GEN.200 (a)**

Comment: Paragraphs (a) 1 to 5 and their corresponding AMCs do not align with the ICAO framework and its four principal headings in ICAO DOC 9859:

Safety Policy and Objectives

Safety Risk Management

Safety Assurance

Safety Communication

Though the content of the rule and the AMC appears to reflect the ICAO content, by reinventing and changing headings this is likely to cause confusion.

**Justification:** This may cause confusion in terminology and make demonstrating compliance with ICAO requirements difficult. This will also create difficulties for those organisations that have already developed SMS against the ICAO requirements laid out in ICAO Doc 9859

**Proposed Text (if applicable):** The rule and the corresponding AMC should be laid out in line with the ICAO Framework as detailed below.

1. Safety policy and objectives
  - 1.1 – Management commitment and responsibility
  - 1.2 – Safety accountabilities
  - 1.3 – Appointment of key safety personnel
  - 1.4 – Coordination of emergency response planning
  - 1.5 – SMS documentation
2. Safety risk management
  - 2.1 – Hazard identification
  - 2.2 – Safety risk assessment and mitigation
3. Safety assurance
  - 3.1 – Safety performance monitoring and measurement
  - 3.2 – The management of change
  - 3.3 – Continuous improvement of the SMS
4. Safety promotion
  - 4.1 – Training and education
  - 4.2 – Safety communication

comment

787

comment by: *David COURT*

(v) Balloon training often takes place in the student's own balloon or a balloon borrowed for the purpose. It would be excessive to inform the Authority every time a different balloon was used for a training flight.

Can we simply say any airworthy balloon for balloon training?

comment

789

comment by: *David COURT*

There needs to be a clear distinction between training for private flying carried out by volunteers for no fee or a nominal fee in non commercial training organisations and commercial training by large commercial organisations.

Item a is contradicted by item b.

If the systems are to be proportional for small volunteer/non commercial training organisations who train only for LPL, PPL, BPL and SPL then there should not be a requirement for:

"clearly defined lines of safety accountability throughout the organisation"  
 "a process for reporting and analysing hazards, incidents and accidents"  
 "manual containing all management processes and a process for making personnel aware"  
 "monitor compliance with the management system"  
 "feedback system of findings"

Pilots often volunteer to give training without charge for the sheer joy of seeing a student progress to become a competent, safe pilot.

They will not volunteer to fill in a huge paperwork trail to prove they are doing what they are already doing. All these procedures will add to the cost of training.

They will also cause a reduction in the number of Instructors and students.

Training Organisations will need to recruit administration staff to deal with all these procedures. Less Instructors + more Administrators = less training + more costs.

However proportional the rules are made, the fact they are to be audited by NAAs will ensure they are not proportional. It will depend on how pedantic each NAA wishes to be.

We cannot rely on all NAAs to apply a "light touch" to the rules as they are written here. Light rules must be written by EASA so that different NAAs do not interpret them differently. We were promised a level playing field. We do not want to go shopping round Europe for the lightest touch NAA to operate our ATO under.

It is not satisfactory to list complicated procedures and then qualify them by saying apply these proportionally according to the complexity of the operation.

The rulemakers should write proportional rules not leave them for others to interpret.

A proportional management system for non commercial training organisations would be:

- 1 A Safety Policy
- 2 A process for identifying hazards and managing the risks
- 3 One person accountable for safety
- 4 Personnel trained and competent to perform their tasks
- 5 A record of hazards, incidents and accidents
- 6 A method of informing staff and students about hazards, incidents and accidents.
- 7 On organisational diagram
- 8 A list of responsibilities.

OR.GEN.200 Management system

**(a) An organisation shall establish and maintain a management system that includes:**

**(1) .....**

.....

**(5) a process for reporting and analysing hazards, incidents and accidents and for taking corrective actions to prevent their recurrence;**

**(6) an organisation manual containing**

**Comment**

**Emphasis needed to ensure this is not a judicial or disciplinary process.**

**Add additional sentence to the text.**

**Proposal**

.....actions to prevent their recurrence. **The allocation of blame or culpability is not part of this process.**

comment 839

comment by: AEA

**Comment:**

The scope of the management system processes is not defined.-

**Proposal:**

add "The information might be contained in other manuals" taken from AMC 2 to OR GEN 200 (a) (6)

comment 840

comment by: AEA

**Comment:** note that the organizational manual might be divided into the different activities (e.g. CAT, MRO, ATO) of the organization

comment 841

comment by: Frank Schweppe

Like so often in this EASA exercise, it is assumed that any form of instruction or operation will be in the form of an 'organisation'. I am concerned with ballooning, which is an activity which is usually conducted by individuals, not organisations with multiple personnel. That also goes for instruction: usually there is just the instructor, giving instruction part-time or even infrequently, to one or a few students (usually one at a time). Usually there are no formal office premises; the instruction room for theory will be just a room at the instructor's home or a table in a local restaurant (best case: a small rented conference room). So 'senior management' and 'personnel' will more often than not be the same single person, and thus 'lines of responsibility' become non-existent. All responsibility lies with that same single person.

It would seem useful to allow single-person training 'organisations' to have very limited procedural paperwork, as obviously there is not really any need for 'management' to explain to 'personnel' how to go about their work, if those are one and the same person.

comment 848

comment by: NATS

(a)(3) This appears to imply that safety accountabilities exist for "senior management" whereas the AMC 2 to OR.GEN.200(a)(3) implies only the "accountable manager" has safety accountabilities and key personnel have safety responsibilities. Thus there is a potential contradiction in the intent of the IR and associated AMC.

(a)(4) This does not read correctly "An organisation shall establish and maintain a management system that includes personnel trained and competent to perform their tasks." Personnel are entities and cannot be part of a management system; rather the requirements for their use can be defined by the management system (i.e. trained and competent). Thus there is a potential contradiction in the intent of the IR and associated AMC.

(a)(4) This is a very broad scope and could be interpreted as including those in an organisation that are not involved directly in the service delivery (i.e. safety significant) as their tasks (e.g. finance) requires training and competency but would not be in a MS requirement as it pertains to safety regulation. AMC 2 to OR.GEN.200(a)(4) refers to those having safety responsibilities and those with SMS duties being trained which is not the same as being trained to perform their primary task (e.g. air traffic control). Thus there is a potential contradiction in the intent of the IR and associated AMC.

(a)(4) AMC 2 to OR.GEN.200(a)(4) also includes communication on safety matters that is not sourced from OR.GEN.200(a)(4). Thus there is a potential contradiction in the intent of the IR and associated AMC.

(a)(4) AMC 2 to OR.GEN.200(a)(4) does not elaborate on the competency need from OR.GEN.200(a)(4).

(a)(6) This appears to be all encompassing; an organisation has many management system processes (e.g. finance) which would not be expected to be within scope of this IR. AMC to OR.GEN.200(a)(6) does not address requiring a process for making personnel aware of their responsibilities (presumably safety responsibilities). Thus there is a potential contradiction in the intent of the IR and associated AMC.

(a)(7) There is a "shall" in OR.GEN.200(a) and a "shall" in (a)(7) leading to a requirement within a requirement and the clarity of the requirements would benefit from only having one requirement at a time thus removing any ambiguity.

(a)(7) There is a reference to the "adequacy of the procedures"; however the procedures themselves have not been defined previously so which procedures are they ((a)(6) refers to processes)?

(a)(7) It is not clear if compliance monitoring confirms that procedures have been complied with (see AMC to OR.GEN.200(a)(7) 2.) e.g. a particular document has been produced as required by a particular procedure or whether compliance monitoring also assesses if that document is fit for purpose i.e. complies with the procedure and is fit for purpose (it is possible to produce a document that complies with a procedure that is not fit for purpose).

(a)(8) Does this mean that OR.GEN.001, OR.GEN.010, OR.GEN.205, OR.GEN.210, OR.GEN.215 and OR.GEN.220 are to be included in the Management System (as they all have "shalls")? Does the use of the term Part mean the subpart in which this appears (i.e. Subpart Gen) or Part OR in its

entirety?

(b) AMC to OR.GEN.200(b) considers size and complexity but not hazards and associated risks as required by OR.GEN.200(b).

(b) AMC 1 to OR.GEN.200(b) considers size but not nature, complexity, the hazards and associated risk as required by OR.GEN.200(b).

comment 874

comment by: DGAC FRANCE

### OR GEN 200

In this paragraph, which "organisation" is concerned? All operators including organisation that need a declaration ? All operators that need an approval ? Of course, we understand that OR shall not apply to persons.

comment 877

comment by: Boeing

OR.GEN.200  
Para (a)(5)  
page 7

Safeguarding of this information is required to avoid safety data being used as evidence in criminal cases ("criminalization"). Therefore, we request that the following text be added to the end of subparagraph (a)(5): *"This information will not be made public."*

**JUSTIFICATION:** To avoid criminalization of the data submitter and thus diminish the input into this process.

comment 907

comment by: INAER

Management system requirements should use EN ISO 9000:2000 vocabulary and also as much as possible EN ISO 9001:2008 requirements, to provide legal certainty to the stakeholders (e.g. in vocabulary: process, procedure, top management, manual, management / assurance system, records vs forms, ...)

### Argument:

Legal certainty is a general principle of Community law (see case C-308 /06). As GM 1 to OR.ATO.300 (paragraph 8) "General" recognizes, many ATOs or Operators are ISO 9001: 2008 certified. Many organizations are also EN ISO 9110:2006 (ISO 9001 applied to aeronautical maintenance organizations), EN ISO 14001: 2004 and OHSAS 18001 certified, which share most of the vocabulary and some requirements.

European Commission has already required for the EU regulation to integrate with international recognized standards. (see note 1)

The same way, Part OR should integrate ISO 9001: 2008 concepts where possible, in order to:

- Benefit from the knowledge which relies in an international standard
- Clarify concepts
- Avoid different approaches to the same problem
- Reduce administrative papers and procedures to the operators and

ATOs

Nevertheless, part OR does not recognize an integration with ISO 9000:2000 vocabulary, or with its requirements.

**Note 1:** See the EU Eco-Management and Audit Scheme (EMAS), which is a management tool for companies and other organizations to evaluate, report and improve their environmental performance, available since 1995 (Council Regulation (EEC) No 1836/93 of 29 June 1993).

In 2001 EMAS was amended by Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001, integrating EN/ISO 14001 as the environmental management system required by EMAS;

See also Commission Regulation (EC) No 196/2006 of 3 February 2006 amends Annex I to Regulation (EC) No 761/2001 of the European Parliament and of the Council taking account of the European Standard EN ISO 14001:2004.

comment

908

comment by: INAER

**OR.GEN.200 "Management System", Paragraph (1) :  
"a Safety Policy"**

Suggested: *"a management system policy, including the safety and compliance commitments, which provides a framework for the safety objectives"*.

Argument:

a) As the title of the paragraph is "management system" (for a total system approach), covering both SMS, CMS and Organization Manual, it is suggested that the policy covers any system under the management system:

The system policy should refer to any management system that is developed in the organization (SMS and CMS, and optionally ISO 9001, OSHAS 18001 and EMAS), covered by the organizational Manual, to facilitate one simple and powerful message to employees related to the top management commitments and framework for the system objectives. (In safety, customer, Health and Safety and Environment areas)

b) As an AMC develops the legal requirements stated in OR.GEN.200 "Management System", OR.GEN.200.a.1 should reference the need for establishing safety objectives, so that AMC to OR.GEN200 (a) (1).2.c is really a means of compliance.

comment

909

comment by: INAER

**1) OR.GEN.200 "Management System", Paragraph (2)  
"A process for identifying safety hazards..."**

Suggested:

*"A documented procedure for identifying hazards..."*

Argument:

The term "process" is internationally defined in EN ISO 9000:2000 (3.4.1), and is clearly something different from a procedure, which is defined in EN ISO 9000:2000 (3.4.5).

A management system should promote a process approach, as done by EN ISO 9000, but in case the documented process should be required, it should be part of the documented procedure.

It should also contain the term "documented", as many procedures can be part of a company, without being required to be written (See Note 1, part 3.4.5 EN ISO 9000:2000)

comment 910

comment by: INAER

**OR.GEN.200 "Management System", Paragraph (3):**  
**"... for safety on the part of senior management"**

Suggested:

**"... for safety on the part of top management"**

Argument:

The term "top management" is defined in 3.2.7 EN ISO 9000:2000 and used in ISO 9001:2008

comment 911

comment by: INAER

**OR.GEN.200 "Management System", Paragraph (5):**  
**"a process for reporting and analyzing hazards..."**

Suggested: **"A do cumented procedure for r eporting and an alyzing hazards..."**

Argument:

The term "process" is internationally defined in EN ISO 9000:2000 (3.4.1), and is something different from a procedure, which is defined in EN ISO 9000:2000 (3.4.5).

A management system should promote a process approach, as done by EN ISO 9001, but in case the documented process should be required, it should be part of the documented procedure.

It should also contain the term "documented", as many procedures can be part of a company, without being required to be written (See Note 1, part 3.4.5 EN ISO 9000:2000)

comment 912

comment by: INAER

**OR.GEN.200 "Management System", Paragraph (5):**

**"... for r eporting and analyzing hazards, incidents and acci dents, and for taking corrective actions to prevent their recurrence"**

Suggested **"... for reportin g, investigating and an alyzing h azards, incidents and accidents in order to take corrective actions to prevent their recurrence, recording them in a safety data base, and performing a data analysis"**

Argument:

An essential part of the SMS is the investigation of the incidents (which is something which goes further to an analysis), and analysis of trends in the "performance based approach" (see paragraph 56 NPA 2009-02a). The relevant part of this requirement is not the "Occurrence Reporting Scheme", as indicated in AMC to OR.GEN.200.a.5, but performing an investigation and

analyzing the trends, from the data gathered in the safety data base.

comment

913

comment by: *INAER***OR.GEN.200 "Management System", Paragraph (6):**

**"An organisation manual containing all management system processes, including a process for making ..."**

Suggested

**"An organisation manual containing :**

- **The scope of the system**
- **The documented procedures established for the management system, or references to them, including an amendment procedure, and a procedure for making personnel aware of their responsibilities, and**
- **A description of the interaction between the processes of the management system.**

Argument:

Integration of 4.2.2 EN ISO 9001:2008 in the regulatory process of a management system.

comment

914

comment by: *INAER***OR.GEN.200 "Management System", Paragraph (6):**

**"An organisation manual containing all management system processes, including a process for making personnel aware of their responsibilities..."**

Suggested:

**No mention to the awareness procedure in the manual, or just a statement: "..., including a reference to a process for making personnel aware of their responsibilities".**

Argument:

The content of the manual, and the minimum required procedures should be specified in an AMC.

By the other hand, the Manual is a top hierarchy document, and therefore it has not to include the process for making personnel aware, but it has to be included in a procedure (2<sup>nd</sup> level management system document).

comment

915

comment by: *INAER***OR.GEN.200 "Management System", Paragraph (7):**

**"A function to monitor compliance of the management system with the relevant requirements and ..."**

Suggested:

**"An organizational structure to monitor compliance ...."**

Argument:

As it can be read in the AMC and GM, that function will be developed by at least following persons:

Safety Manager (see AMC 2 to OR.GEN.200 (a) (3) 2.b.xii

A Compliance monitoring Manager (see AMC 1 to OR.GEN.200 (a) (7)

Auditors. (GM1 to OR.ATO.300, paragraph 28)

Representative. (GM1 to OR.ATO.300, paragraph 28)

In OR.GEN.210 (b) it states that "a person or group of persons shall be nominated with the responsibility of ensuring that the organization is always in compliance with the applicable requirements"

Therefore, there is not just one function, but a complete structure to monitor compliance, which affects Part OR, and Part OPS, as well as Part M for safety purposes. If there has to be a person that takes that responsibility of quality assurance, it should be the Safety Manager the nominated function.

comment 916

comment by: INAER

**OR.GEN.200 "Management System", Paragraph (7):**

**"A function to monitor ... and adequacy of the procedures"**

Suggested:

**"An organizational structure that assigns responsibilities to:**

**a) monitor compliance of the management system with the relevant requirements, and**

**b) Monitor adequacy of the procedures."**

Argument:

Two functions are assigned to the same role in the structure, and there is no objective reason why it has to be this way.

Monitor compliance implies auditing requirements assurance, while monitoring adequacy implies analysis of the whole management system, and processes, maybe as a result of an incident, accident, or efficiency complaints. The adequacy of the procedures has to deal with organizational analysis, technology systems, and internal processes, and a company has to have the ability to decide for itself how it has to be organized, and decide whether it will be one or two different persons who develop those functions.

The system adequacy can be performed by the top management, the safety manager, a contracted external consultant, or a corporate manager.

comment 988

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Comment:**

The ICAO standard (Annex 6 chapter 3.2.4) contains also pro-active requirements that an SMS should include potential risks. The proposed requirement does not explicitly require this.

**Proposal:**

Add requirements on pro-active parts of SMS as per ICAO Annex 6 proposed standard.

comment 1031

comment by: Fédération Française Aéronautique

Taking into consideration the above mentioned consideration on "Section 2 – Management", FFA recommends changing the title of this paragraph into "Safety and Quality management system".

comment 1040

comment by: European Gliding Union (EGU)

OR.GEN.200 Management system:

(b)

Again the requirement that MS shall correspond to the size, nature and

complexity of the activities and the possible hazards/risks inherent in these activities.

This requirement needs firm fixation in the regulation and has to be a constant challenge to each principle or regulation taken aboard. A lot of the requirements to obtain an approval are totally over the top and completely unsuitable for the environment of an air sport club working mainly with volunteers.

comment 1072

comment by: EUROPEAN GLIDING UNION

OR.GEN.200 Management system:

(b)

It is identified here that the MS shall correspond to the size, nature and complexity of the activities and the possible hazards/risks inherent in these activities.

This principle is challenged throughout this NPA. Many of the proposed requirements will be impossible to implement in a gliding or air sport volunteer club environment. The list of requirements is far too prescriptive and pays little recognition to the in-built safety-conscious culture of gliding clubs without having to fill in long daily check lists. The days are not long enough nor the number of people available and willing to do all this support activity! The proposed SMS would be a challenge for any large commercial operation, but for gliding clubs it would be "the straw that breaks the camel's back."

Proposal:

A set of appropriate requirements dedicated to air sport clubs/organisations, to be developed between EGU and EASA during the next review stage.

comment 1154

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

### **COMMENTS**

Any additional verification activity, as compared to the current situation, shall be at no additional cost for operators.

### **JUSTIFICATION**

The aim of BR is to improve safety level and not to increase survey charges.

\*\*\*

### **COMMENTS**

Requirements and relationship between SMS and existing Quality Assurance departments are not documented. Does SMS (for airlines, ATO and others):

Substitutes to quality Assurance ?

Adds to Quality Assurance ?

Supersedes Quality Assurance ?

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to.*

*Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of*

*regulation. Some additional comments shall arise.  
The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.  
FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.  
This disclaimer has to be considered as an integrative part of the following comment.*

comment

1166

comment by: ECA- European Cockpit Association

Attachment [#4](#)

Comment: delete the whole paragraph and replace with the following:  
OR.GEN.200 Management Systems  
[see text in attachment]

Justification:

It is necessary to show the difference between what is a quality management system and a safety management system.

EASA's text introduces a confusion between safety and quality objectives. ECA proposes the attached text introducing SMS partial requirements. SMS should be organised within the organisation's quality management system. This requirement is necessary for a correct and ICAO-compliant SMS implementation.

This requirement is completed with an AMC: see comment 1167.

comment

1173

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**COMMENTS**

Organizations shall be able to decide of their management system, eg: decide of the staff allocation and hierarchy between the different departments involved.

**PROPOSAL**

This shall be clearly stated in this article.

**JUSTIFICATION**

Entrepreneurial freedom.

\*\*\*

**COMMENTS**

We understand FRMS has been conceived and presented by EASA to 3<sup>rd</sup> parties as part of the SMS.

**PROPOSAL**

If such an FRMS is mandatory, we propose to state it in the general definition of the SMS.

Point 8 could be so rewritten :

"Any additional requirements that are prescribed in this Part, including FRMS if and only if such an FRMS is mandatory, regarding to applicable rules"

Point 9 could be created:

"When a FRMS is made necessary for the purpose of this part or any other, such a FRMS shall be included"

**JUSTIFICATION**

Clarity and consistency

\*\*\*

**COMMENTS**

The FRMS is included now in Annex 6 of ICAO.

**PROPOSAL**

This part shall clearly refer to this so and integrate ICAO issues.

**JUSTIFICATION**

obvious

\*\*\*

**QUESTION**

( what happens to OPS 1.035 ?)

*OPS 1.035*

***Quality system***

*(a) An operator shall establish one quality system and designate one quality manager to monitor compliance with, and adequacy of, procedures required to ensure safe operational practices and airworthy aeroplanes. Compliance monitoring must include a feed-back system to the accountable manager (see also OPS 1.175 (h)) to ensure corrective action as necessary.*

*(b) The quality system must include a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.*

*(c) The quality system and the quality manager must be acceptable to the Authority.*

*(d) The quality system must be described in relevant documentation.*

*(e) Notwithstanding subparagraph (a) above, the Authority may accept the nomination of two quality managers, one for operations and one for maintenance provided that the operator has designated one Quality Management Unit to ensure that the quality system is applied uniformly throughout the entire operation.*

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle*

*meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.  
This disclaimer has to be considered as an integrative part of the following comment.*

comment 1233 comment by: *Swiss International Airlines / Bruno Pfister*

Comment:  
The scope of the management system processes is not defined.-  
Proposal:  
add "The information might be contained in other manuals" taken from AMC 2 to OR.GEN.200 (a) (6)

comment 1234 comment by: *Swiss International Airlines / Bruno Pfister*

Comment: note that the organizational manual might be divided into the different activities (e.g. CAT, MRO, ATO) of the organization

comment 1315 comment by: *Ryanair*

### **OR.GEN.200 – Management System (b)**

#### **Comment**

The term "proportional" suggests a requirement for defined relationship between size –complexity – activity , and takes no account of economies of scale or efficiencies of scale or alternative structures .

#### **Proposal**

The management system shall be effective for the size, nature.....

comment 1316 comment by: *Ryanair*

### **OR.GEN.200 (a)(6) – Organisation Manual AMC to OR.GEN.200 (a)(6)**

#### **Comment**

Any reference to an 'organisation manual' which insinuates that a standalone document is required must be removed. The information required may be available in a number of documents. Any requirement which introduces duplication must be avoided.

#### **Proposal**

(a)(6) Details of the organisation structure of the approved organisation including management system processes.....

comment 1334 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 - OR.GEN.200 Management system

**Comment:**

The scope of the management system processes is not defined.-

**Proposal:**

add "The information might be contained in other manuals" taken from AMC 2 to OR GEN 200 (a) (6)

comment

1335

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 - OR.GEN.200 Management system

**Comment:** note that the organizational manual might be divided into the different activities (e.g. CAT, MRO, ATO) of the organization

comment

1369

comment by: KLM

**Comment:**

The scope of the management system processes is not defined.-

**Proposal:**

add "The information might be contained in other manuals" taken from AMC 2 to OR GEN 200 (a) (6)

comment

1371

comment by: KLM

**Comment:** note that the organizational manual might be divided into the different activities (e.g. CAT, MRO, ATO) of the organization

comment

1423

comment by: Unique (Zurich Airport)

-Requirement to have a management system does not seem to cover the ICAO intention for a safety management system à Safety Management System requirement would be more precise

- requirement for organisation manual is not necessary for aerodromes since items are already included in Aerodrome manual

- compliance monitoring function should not be requested from aerodromes since it would by far exceed capabilities of smaller aerodromes, furthermore compliance verification should be a core function of the competent authority

comment

1442

comment by: Unique (Zurich Airport)

- Contradicting requirements on third parties must be avoided - e.g. requirements by airline operators on ground handling agents must not contradict requirements put on ground handling agents by aerodrome operators - this does not seem to be foreseen in the NPA

- 5.a Management of Change: internal and external change must be specified since in the case of aerodrome operators the scope needs to be clear - aerodrome operator vs aerodrome and external change may affect other aerodrome users with similar requirements in the envisaged

Part OR, Part GEN

- "Adverse effect on safety" must be specified or changed into "unacceptable effect on safety"

differences between safety management manual, organisational manual and aerodrome manual (as per ICAO) needs to be clarified for aerodromes - justification for the organisation manual is not clear

- 2. scope of compliance monitoring function by far exceeds capabilities of smaller aerodromes and duplicates some of the requirements described under "Training and communication on Safety"

Relationship/link to existing quality management systems is unclear

comment 1485 comment by: Deutsche Lufthansa AG  
related to sub (a)(6)

**Comment:**

1. The scope of "management system processes" is not clear: Accounting processes for payments to staff? Procurement processes for office material? Approval processes for duty travels?
2. Existing manual structures are not addressed.

**Proposal:**

1. Provide a clarification, e.g. "*safety relevant* management system processes".
2. Add "The information might be contained in other manuals." taken from AMC 2 to OR.GEN.200.(a)(6)

comment 1487 comment by: Deutsche Lufthansa AG  
**Comment:** note that the organizational manual might be divided into the different activities (e.g. CAT, MRO, ATO) of the organization

comment 1501 comment by: BMVBS (MoT Germany)

The whole concept of the management system lacks the necessary judicial justification and does not conform to the standards of standards of legal certainty. Moreover, we see problematic contradictions between this management system concept and the proven concept of JAA organisation principles (system of postholders and quality management system) on the one hand and the ICAO SMS concept on the other hand.

Some examples of the missing characteristics are:

The proactive character of a SMS is not incorporated.

The safety assurance component (including the continuous improvement aspects) of the SMS is missing.

The directing reporting line between the person responsible for the SMS implementation and the accountable manager is not stipulated.

The consequence is a high amount of effort which has to be invested by the organisations in order to comply with this requirement without yielding any improvement in terms of safety. Therefore, we strongly recommend redrafting this rule completely based on the proven JAA principles (postholders and quality system) and incorporating the ICAO SMS provisions. Preferably, this redrafting should be done by a group of experts incorporating the experience of the stakeholders. If these provisions remain in the opinion sent to the EASA

committee, a positive vote to the proposal would be impossible for Germany since this requirement would complicate the compliance with ICAO standards.

Recommended amendment of the text:

~~(a) An organisation shall establish and maintain a management system that includes:~~

~~(1) a safety policy;~~

~~(2) a process for identifying safety hazards and for evaluating and managing the associated risks;~~

~~(3) clearly defined lines of safety accountability throughout the organisation, including a direct accountability for safety on the part of senior management;~~

~~(4) personnel trained and competent to perform their tasks;~~

~~(5) a process for reporting and analysing hazards, incidents and accidents and for taking corrective actions to prevent their recurrence;~~

~~(6) an organisation manual containing all management system processes, including a process for making personnel aware of their responsibilities and an amendment procedure;~~

~~(7) a function to monitor compliance of the management system with the relevant requirements and adequacy of the procedures. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure corrective action as necessary; and~~

~~(8) any additional requirements that are prescribed in this Part.~~

(complete redrafting necessary)

comment 1597

comment by: *bmi*

The scope of the management system processes is not defined.-

Proposal: add "The information might be contained in other manuals" taken from AMC 2 to OR GEN 200 (a) (6)

comment 1598

comment by: *bmi*

Comment: note that the organizational manual might be divided into the different activities of the organization

comment 1626

comment by: *British Airways Safety & Security*

Section (a) (5). It is not possible to prevent recurrence of *all* occurrences (whether accident or incident). Wording should change from **taking corrective actions to prevent recurrence** to **taking corrective actions to mitigate the risk of recurrence**.

comment 1728

comment by: *CAE*

OR.GEN.200 (a) (5) page 7

This information should be protected to remove the threat of criminalization. The reporting of hazards and incidents will be reduced if the reporter fears legal repercussions. Prefer the following sentence be added:

"This information will not be made public or result in enforcement action"

comment 1753 comment by: *Norwegian Air Sports Federation*

(b)

It is identified here that the MS shall correspond to the size, nature and complexity of the activities and the possible hazards/risks inherent to these activities.

The AMC material provided in this NPA does not reflect any differences corresponding to nature and complexity. The AMC material provided is written for commercial organisations. Most of the AMC material is NOT applicable to air sports organisations.

comment 1766 comment by: *DFS Deutsche Flugsicherung GmbH*

OR.GEN.200(a)(4) This is a very broad scope and could be interpreted as including those in an organisation that are not involved directly in the service delivery (i.e. safety significant), as their tasks (e.g. finance) requires training and competency but would not be in a MS requirement as it pertains to safety regulation.

AMC 2 to OR.GEN.200(a)(4) refers to those having safety responsibilities and those with SMS duties being trained, which is not the same as being trained to perform their primary task. Thus there is a potential contradiction in the intent of the IR and associated AMC.

AMC 2 to OR.GEN.200(a)(4) also includes communication on safety matters that is not sourced from OR.GEN.200(a)(4). Thus there is a potential contradiction in the intent of the IR and associated AMC.

OR.GEN.200(a)(6) This appears to be all encompassing; an organisation has many management system processes (e.g. finance) which would not be expected to be within scope of this IR. AMC to OR.GEN.200(a)(6) does not address requiring a process for making personnel aware of their responsibilities (presumably safety responsibilities). Thus there is a potential contradiction in the intent of the IR and associated AMC.

OR.GEN.200(a)(7) There is a reference to the "adequacy of the procedures"; however the procedures themselves have not been defined previously so which procedures are they ((a)(6) refers to processes)?

OR.GEN.200(b) AMC to OR.GEN.200(b) considers size and complexity but not hazards and associated risks as required by OR.GEN.200(b).

AMC 1 to OR.GEN.200(b) considers size but not nature, complexity, the hazards and associated risk as required by OR.GEN.200(b).

comment 1775 comment by: *ACI EUROPE*

- requirement to have a management system does not seem to cover the ICAO intention for a safety management system à Safety Management System requirement would be more precise
- requirement for organisation manual is not necessary for aerodromes since items are already included in Aerodrome manual
- compliance monitoring function should not be requested from aerodromes since it would by far exceed capabilities of smaller aerodromes, furthermore compliance verification should be a core function of the

competent authority

comment	1781	comment by: <i>Unique (Zurich Airport)</i>
	<p>Coordination between the management systems of different stakeholders must be ensured either by</p> <p>a) separate OR.GEN provision  b) a OR provision for ADR, OPS, ANSP, MRO  c) a AR.GEN provision</p> <p>Reasoning: Safety Management Systems will only work at the interfaces when information can easily be handed over and acted upon by the Safety management system of the other stakeholders (eg interface aerodrome-ANSP)</p>	
comment	1801	comment by: <i>Unique (Zurich Airport)</i>
	<p>A function of a safety manager should be established on the IR level to ensure independence.</p>	
comment	1828	comment by: <i>International Air Transport Association (IATA)</i>
	<p><b>Comment:</b>  The scope of the management system processes is not defined.-</p> <p><b>Proposal:</b>  add "The information might be contained in other manuals" taken from AMC 2 to OR GEN 200 (a) (6)</p>	
comment	1829	comment by: <i>International Air Transport Association (IATA)</i>
	<p>Note that the organizational manual might be divided into the different activities (e.g. CAT, MRO, ATO) of the organization</p>	
comment	1840	comment by: <i>AIR FRANCE</i>
	<p>The scope of the management system processes is not defined. It should be clearly stated.</p>	
comment	1844	comment by: <i>AIR FRANCE</i>
	<p>add "The information might be contained in other manuals" taken from GM to OR GEN 200 (a) (6)</p>	
comment	1913	comment by: <i>DCAA</i>
	<p>(a) (a)The content of the system described seems to be established rather by coincident (ex. (1), (5).</p>	
comment	1982	comment by: <i>Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.</i>
	<p><input type="checkbox"/> - requirement to have a management system does not seem to cover the ICAO intention for a safety management system à Safety Management System</p>	

requirement would be more precise

- requirement for organisation manual is not necessary for aerodromes since items are already included in Aerodrome manual

- compliance monitoring function should not be requested from aerodromes since it would by far exceed capabilities of smaller aerodromes, furthermore compliance verification should be a core function of the competent authority

comment

2013

comment by: AIRBUS

The Management System should fully align with the ICAO 4-component SMS framework and related terminology.

Rationale/Justification:

EASA should not be the only authority in the world not harmonizing its SMS framework and terminology with ICAO SMS Framework. It would add much value, avoid a lot of re-work at air operators level, and avoid misunderstanding and confusion, if EASA could align with ICAO 4-component SMS.

The proposed EASA framework is more difficult to understand and there is repetition/overlap and confusing terminology.

comment

2023

comment by: Avinor AS

Our understanding is that the requirements proposed in NPA 2008/22 will be applicable only to the aerodromes that are inside the "scope" of aerodromes to be covered by the amendment to the basic regulation 216/2008. Hence, the specific distinction between *small organisations* and *other organisations* in the AMC makes it necessary to provide a definition of "small" in this regard. No such definition is offered in the draft decision.

To separate between *small organisations* and *other organisations* for ATM/ANS providers is not relevant.

It should be allowed to combine the tasks of the Safety Manager and the Compliance Manager so that they may be covered by one person. It is, however, necessary to better define the relationship and interaction between the Safety Manager and the Compliance Manager (AMC to OR.GEN.200(a)(7) Management System, Compliance Monitoring System – General 3.a.-d.) since there appears to be overlapping accountabilities and tasks.

comment

2024

comment by: AIRBUS

The point (5), "a process for reporting and analysing hazards, incidents and accidents and for taking corrective actions to prevent their recurrence" is in fact a sub-activity of the point (2), "a process for identifying safety hazards and for evaluating and managing the associated risks".

Safety reporting is simply one way to perform Hazard Identification.

The point (5) should be either deleted or explicitly integrated into point (2) with more detailed explanations of the content.

comment

2108

comment by: ETF

**ETF General comment to Management System AR and OR**

The additional safety level by a Safety Management System is most welcome.

Despite the good European safety records in aviation over the past decades, the increase in traffic will by numbers lead to more incidents and accidents. According to Dekker and Woods 'The high reliability organizational perspective' of an organisation is usually unable to change its model of itself unless and until overwhelming evidence accumulates that demands revising the model. They put forward that the failure in aviation today is not really the result of individual or components. Instead it is related to the ability of the industry to effectively adapt to and to absorb variations, changes, disturbances, disruptions and surprises.

They suggest that a number of safety dimensions are looked at. One dimension is the commitment of management to balance the acute pressure of production with the chronic pressures of protection.

Other important factors are

- Preparedness/ Anticipation. This implies picking up evidence of developing problems
- Opacity/Observability. That is active monitoring of safety barriers and analysis of how close to the edge the organisation is as well as evaluating degraded defences. An active feedback to all levels in the organisation is recommended.
- Flexibility/Stiffness. Evaluation of how the organisation adopts to change, disruptions and opportunities.

In particular when the production pressures are intense or rising an analysis of the impact on the organisation should take place.

The above recommendations could be included as GM to the Management System.

comment

2180

comment by: *Icelandair***Comment:**

The scope of the management system processes is not defined.-

**Proposal:**

add "The information might be contained in other manuals" taken from AMC 2 to OR GEN 200 (a) (6)

comment

2181

comment by: *Icelandair*

**Comment:** note that the organizational manual might be divided into the different activities (e.g. CAT, MRO, ATO) of the organization

comment

2265

comment by: *Europe Air Sports PM*

OR.GEN.200 Management system:  
(b)

It states here that the MS shall correspond to the size, nature and complexity of the activities and the possible hazards/risks inherent in these activities.

This principle is challenged by EAS throughout this NPA. Many of the proposed rules will be incapable of implementation in an air sports club environment involving primarily volunteers. The detailed rules are far too prescriptive and pay little regard to the in-built safety-conscious culture of the vast majority of air sports clubs. The days are not long enough nor the number of people available and willing to do all this check list ticking and support activity.

The proposed SMS would is totally inappropriate and impractical for air sport

and recreational flying clubs.

Proposal:

A set of appropriate rules dedicated to air sport clubs/organisations, to be developed between EAS and EASA during the next review stage.

comment 2269 comment by: *Oxford Aviation Academy*

Large and complex organisations would normally have a corporate (organisation) manual which makes a reference to both processes that relate to aviation compliance, and processes that relate to business best practice. The manual would not necessarily contain all the processes themselves because 'ownership' is at the relevant functional/department level within the organisation. We propose item (6) is amended to read "an organisation manual making reference to the management system processes, including a process for making personnel aware of their responsibilities and an amendment procedure".

comment 2289 comment by: *Light Aircraft Association of the Czech Republic*

Aviation training in Member states currently takes place mostly under the oversight of National Aeroclubs and national Sports Associations. By its nature the training is mostly non-commercial in nature and delivered by volunteers. The aeroclubs and associations have in place management systems that provide adequate quality and safety management. Most of the training is delivered through the clubs.

LAA CR understands that EASA wants a standardised approach. We appreciate comment at OR.GEN.200(b), but unfortunately it is difficult to see through this NPA 2008-22c that EASA has taken into consideration "the nature and complexity of the" sports and recreational activities.

Proposal:

Please take in account the nature and complexity of the sports and recreational activities. Instead of difficult and complicated rules use what is already working. Do not write derivatives of rules for commercial sector and realize that there is sector which is using flying as a form of relaxation and fun rather the money making.

comment 2352 comment by: *FINNAIR*

The scope of the management system processes is not defined.-

Proposal: add "The information might be contained in other manuals" taken from GM 2 to OR GEN 200 (a) (6).

In case of AOC holder the management system should be described in OM-A, chapter 1.

**GM to OR.GEN.200(a)(6) Management System ORGANISATION MANUAL**

The organisation manual is the top level document in the organisation. It is not required to duplicate information in several manuals. The information may be contained in other manuals, e.g. aerodrome manual, **operations manual** or training organisation manual.

comment 2355 comment by: *FINNAIR*  
 Comment: note that the organizational manual might be divided into the different activities of the organisation in case of multiple approvals.

comment 2379 comment by: *Klaus HARTMANN*

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland. Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)
2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.
3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 – 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden.

Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne

Ausbilder in Ein-Personen Ausbildungseinrichtungen aus.

Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freie Ballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freie Ballonführer BPL/LPL(B)' geben.**

**Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.**

**Für Mini - ATO's BPL/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manualls' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini - ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini - ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini - ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch Senior Examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.**

**Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfahrten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini - ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.**

**Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's**

**jeweils für die Theorieausbildung und die Praxisausbildung so I  
möglich sein.**

comment 2424 comment by: *FlightSafety International*

Safeguarding of this information is required to avoid criminalization. Please add: "this information will not be made public".

To avoid criminalization of the reporter and thus diminish the input into this process.

comment 2429 comment by: *Nordic Airways*

The compliance monitoring system described in (a)(7) should instead be called "Quality Assurance System" and its manager "Quality Assurance Manager".

The Management system described in OR.GEN.200 is the same as a Quality System. That wording was also used in EU-OPS. It does not matter what this Management/Quality system is called, however the Quality Assurance System described in (a)(7) is NOT a "compliance monitoring system" but a "Quality Assurance System". The wording "compliance monitoring" implies that the system only monitors that the documented procedures in company manuals comply with regulations and that the procedures are complied with. However, a big part of the system is the monitoring of "adequacy of the procedures" as described in (a)(7).

It is my experience that many companies and NPHs unfortunately focus on "copying" text from authority regulations into company manuals without thinking how to best implement the procedures in their organization. A "compliance monitoring system" would then easily show compliance with all regulations but the company may still have a very low quality. The "compliance monitoring system" would thereby not increase safety - on the contrary it might actually decrease it!

As an example, the training syllabus in OM-D might be identical to Part-OPS for crew and the training certificate might state that the training included all items in Part-OPS and the written test might be passed but that doesn't help if the instructor was very bad and the written test was a multiple choice questionnaire with only two options where the incorrect alternative was obviously incorrect.

The Quality Assurance System is correctly described in AMC 1 to OR.GEN.200(a)(7), but the name of the system should also reflect this fact.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 -  
OR.GEN.205 Contracting and purchasing**

p. 7

comment 123 comment by: *DCA Malta*

**OR.GEN.205(b)**

It should be clear that before subcontracting an organisation needs the approval of the competent authority.

comment 216 comment by: *ECA- European Cockpit Association*

ECA requests clarification about this article. Is there a transfer of responsibility to the contractor? Or is this only an administrative procedure? What are the changes compared to the present situation? In which cases this article applies, only to the ones in the AMC/GM or are there any other cases the contractor may like to subcontract?

comment 265 comment by: *ECA- European Cockpit Association*

Sentence to be moved to OR.GEN.200

(c) Confidential reporting systems should be based on established human factors principles including an effective feedback process.

Justification

Para 1 d is not effective as an AMC, the protection of the reporter can only be assured if this is upgraded to IR

comment 277 comment by: *Susana Nogueira*

(b) Text as such is too open and leaves too much flexibility

comment 329 comment by: *UK CAA*

**Page No:**

7

**Paragraph No:** OR.GEN.205

**Comment:** It is considered important that contracted organisations should have an acceptable safety management system.

**Justification:** It is important that SMS is integrated with contracted services for a total systems approach and this should be a prerequisite for contracting services.

**Proposed Text (if applicable):** add para c to OR.GEN.205: Contracted organisations shall have an acceptable safety management system in place appropriate to the size, nature and complexity of the contracted activity.

comment 394 comment by: *Civil Aviation Authority of Norway*

Comment to (b);

Reading this paragraph, it may seem that an organisation can contract unauthorized organisations to perform services on behalf of the approved organisation. This must be clearly specified as to apply only to work/services that doesn't require a special authorization, or has no direct affect on the flight safety performance.

comment 851 comment by: *NATS*

(a) & (b) It has been assumed that AMC to OR.GEN.205 is meant to address

OR.GEN.205 (a) and (b). AMC to OR.GEN.205 only addresses contracting and not purchasing as required by OR.GEN.205. It also appears to be limited to services and not to products as required.

comment 989 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

We support the general idea of the requirement but there are some ambiguities and loopholes in the text that need to be addressed, especially in paragraph e) of the AMC. There might be a risk that the requirement in conjunction with EASA's AMC opens up for misuse of contracting out services to organisations that does not have the necessary approvals. Therefore it must be built into the text/wording a limitation in order to hinder an indirect expansion of the activities.

**Proposal:**

Build into the text/wording a limitation to hinder an indirect expansion of the activities. Basically this means that a contracted organisation may not perform an activity that requires an approval even if the contracting party has an approval.

comment 1032 comment by: *Fédération Française Aéronautique*

Considering this rule completely unrealistic and not adapted to for "Very small organisations" (see our proposed definition in the FFA comment on NPA page 1 above), and "Small organisations", FFA requests to delete this rule or to keep it only for "other/large organisations".

comment 1431 comment by: *Unique (Zurich Airport)*

- Contradicting requirements on third parties must be avoided - e.g. requirements by airline operators on ground handling agents must not contradict requirements put on ground handling agents by aerodrome operators - this does not seem to be foreseen in the NPA

-this is even more relevant when aerodromes are held accountable for the safety performance of the aerodrome acc to the essential requirements in the Basic Regulation, Annex Vb1f (pending)

comment 1625 comment by: *British Airways Safety & Security*

This section, as proposed, extends to activities that are outside the jurisdiction of EASA and could include purely commercial contracts. The wording should be changed in section (a) from **or purchasing any part of its activity**, to **or purchasing any part of its activity under this approval**,

comment 1776 comment by: *ACI EUROPE*

Contradicting requirements on third parties must be avoided - e.g. requirements by airline operators on ground handling agents must not contradict requirements put on ground handling agents by aerodrome operators - this does not seem to be foreseen in the NPA

comment 1983 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*  
 Contradicting requirements on third parties must be avoided - e.g. requirements by airline operators on ground handling agents must not contradict requirements put on ground handling agents by aerodrome operators - this does not seem to be foreseen in the NPA

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 -  
 OR.GEN.210 Personnel requirements**

p. 7

comment 35 comment by: *George Knight*  
 (a) This rule is excessive and not appropriate for very small ATOs and clubs. It assumes a corporation employing perhaps many staff. It does not consider charitable clubs run by a committee of volunteers.

comment 260 comment by: *ECA- European Cockpit Association*  
 Delete words:  
 (c) The organisation shall have ~~sufficient-appropriately~~ qualified staff for the planned tasks and activities.  
 (d) The organisation shall maintain ~~appropriate~~ experience, qualification and training records to show compliance with paragraph (c) above.  
 Justification:  
 The use of "sufficient appropriately qualified" is not in line with language requirements by EU law which require clear and unambiguous regulation that does not leave doubts in the mind of the reader

comment 330 comment by: *UK CAA*  
**Page No:**  
 7  
**Paragraph No:** OR.GEN.210(a)  
**Comment:** In a smaller organisation it should be possible for the safety manager and the accountable manager to be the same person.

comment 331 comment by: *UK CAA*  
**Page No:**  
 7  
**Paragraph No:** OR.GEN.210(b)  
**Comment:** Suggest that "is always" is replaced with "remains".  
**Proposed Text (if applic able):** A person shall be nominated with the responsibility of ensuring that the organisation **remains** in compliance with the applicable requirements.

comment 332 comment by: *UK CAA*

**Page No:**

7

**Paragraph No:** OR.GEN.210(c)

**Comment:** Staff may be qualified if they have attended a training course, but this does not make them competent to undertake their duties. Competence also implies an ability to undertake the task (instead of ability to pass an exam) and incorporates continued competence (once qualified does not mean a staff member remains competent – retraining/assessment may be necessary).

**Justification:** The word “competent” is used above in OR.GEN.200 (a)(4).

**Proposed Text (if applicable):** The organisation shall have sufficient **competent** staff for the planned tasks and activities.

comment

333

comment by: UK CAA

**Page No:**

7

**Paragraph No:** OR.GEN.210(e)

**Comment:** Grammatical error

**Justification:** "Staff" in this usage is short for "staff members" and thus not a collective noun.

**Proposed Text (if applicable):**

"The organisation shall ensure that all staff **are** aware..." or alternatively "The organisation shall ensure that **its** staff is aware..."

comment

395

comment by: Civil Aviation Authority of Norway

Comment to (b);

It is not clear what person or group of persons this applies to, it is the nominated postholder(s) or is it the quality manager(s)?

In any case, the word “always” should be deleted, as this imposes an unrealistic responsibility on the person(s) involved.

comment

427

comment by: Federal Office of Civil Aviation (FOCA), Switzerland

a) & b)

Comment:

The organisation shall nominate a person acceptable to the competent Authority....

comment

807

comment by: ENAC TLP

(a) The organisation shall appoint an accountable manager ...add "acceptable to the authority"

(b) a person or group of persons ..add "acceptable to the authority" shall be

.....

comment 842 comment by: *Frank Schweppe*

In ballooning, the organisation may consist of just one individual instructor working from home.

Amend

c)

The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.

To read 'The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities. For BPL instruction, this may be just a single instructor.

comment 853 comment by: *NATS*

There does not appear to be an AMC or GM to this IR. Is this intentional? If it is how is compliance with OR.GEN.210 to be agreed and demonstrated?

(b) There is a potential contradiction here as a person or group of persons being nominated with regard to compliance with the applicable requirements as AMC 1 to OR.GEN.200(a)(7) 3. c. ii. precludes a nominated post holder from being the designated manager for compliance monitoring.

comment 919 comment by: *INAER*

**OR.GEN.210 "Personal Requirements" (e):**

**"The organization shall ensure that all staff is aware of the rules and procedures relevant..."**

Suggestion:

**"The organization shall ensure that all staff is aware of the legal and regulatory requirements and procedures relevant to the exercise of their duties"**

Argument:

The internal rules are already contained in the procedures. Therefore, it is redundant to specify "Rules and procedures", if refer to internal rules. If refer to external rules, it should clearly specify "legal and regulatory requirements

comment 991 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

It is the organisation that nominates the persons that are responsible for a certain task. The text need to be more precise.

**Proposal:**

The words "by the organisation" should be added after the word "nominated" in the first sentence of the paragraph in order to get more precision.

comment 1033 comment by: *Fédération Française Aéronautique*

Considering this rule non adapted and unrealistic for "Very small organisation"

(see our proposed definition in the FFA comment on NPA page 1 above) and "Small organisations", FFA requests to delete this paragraph or to keep it only for "other/large organisations".

comment 1041 comment by: *European Gliding Union (EGU)*

OR.GEN.210 Personnel requirements

The requirements in OR. GEN.200(b) again are made for commercial organisations.

To nominate an "Accountable Manager" is in the club/federation environment difficult as in sport organisations the elected board is taking the responsibilities. Additionally we have to take care of the different legal systems in the member states in regard to non-profit organisations. Considering an umbrella training organisation driven by the air sport associations, the respective tasks are performed already by volunteers in the majority of cases.

comment 1076 comment by: *EUROPEAN GLIDING UNION*

OR.GEN.210 Personnel requirements

In reference to OR. GEN.200(b) the requirements must fit with the nature of the organisation.

Again, there exists a big difference in the structure and the way the management is done in a commercial company and non-profit air sport clubs/organisations.

Nominating an "Accountable Manager" in a club/federation environment can be difficult where the elected board or club governing committee members share the associated responsibilities under national law, which have different requirements within a number of member states.

comment 1140 comment by: *AEA*

**Relevant text:**

(c) The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.

(d) The organisation shall maintain appropriate experience, qualification and training records to show compliance with paragraph (c) above.

**Comment:**

sub (d) is not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.

**Proposal:**

specify requirements

comment 1235 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

(c) The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.

(d) The organisation shall maintain appropriate experience, qualification and training records to show compliance with paragraph (c) above.

Comment:

sub (d) is not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.  
**Proposal:**  
 specify requirements

comment

1336

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 - OR.GEN.210 Personnel requirements

**Relevant text:**

(c) The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.

(d) The organisation shall maintain appropriate experience, qualification and training records to show compliance with paragraph (c) above.

**Comment:**

sub (d) is not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.

**Proposal:**

specify requirements

comment

1372

comment by: KLM

**Relevant text:**

(c) The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.

(d) The organisation shall maintain appropriate experience, qualification and training records to show compliance with paragraph (c) above.

**Comment:**

sub (d) is not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.

**Proposal:**

specify requirements

comment

1488

comment by: Deutsche Lufthansa AG

**Relevant text:**

(c) The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.

(d) The organisation shall maintain appropriate experience, qualification and training records to show compliance with paragraph (c) above.

**Comment:**

sub (d) is not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.

**Proposal:**

specify requirements

- comment 1502 comment by: *BMVBS (MoT Germany)*
- The concept of compliance monitoring is not compatible with the JAA organisation principles and the ICAO SMS standards (see commentary to OR.GEN.200). Therefore, the Paragraph (b) shall be rewritten in context of the amended OR.GEN.200 with focus on the quality management system of JAA.
- Recommended amendment of the text:
- ~~(b) A person or group of persons shall be nominated with the responsibility of ensuring that the organisation is always in compliance with the applicable requirements. Such person(s) shall be ultimately responsible to the accountable manager.~~
- (complete redrafting necessary)
- comment 1680 comment by: *DGAC FRANCE*
- OR GEN 210**  
The requirement to nominate a « safety manager » should be clearly stated in the regulation. The functions of the safety manager are not clear :  
**Add a paragraph after b)**  
**OR.GEN.210 Personnel requirements**  
**(b)a) The organisation shall appoint a "safety manager" responsible for the Safety Management functions of the Safety Management. This safety manager should have direct access to the accountable manager.**  
**Modify AMC OR.GEN.200 ( a)(3) and AMC OR.GEN.200 (a)( 7) accordingly.**
- comment 1748 comment by: *Aero-Club of Switzerland*
- Please add (f): Within small organisations different duties may be combined on one person.
- Justification: The possibility of the combination of duties will be of great help, especially to small clubs. This is where most of our activities take place.
- comment 1754 comment by: *Norwegian Air Sports Federation*
- The requirements must fit with the nature of the organisation, ref OR.GEN.200(b). Air sports clubs and federations do not normally have any "Accountable Manager".
- comment 1831 comment by: *International Air Transport Association (IATA)*
- Relevant text:**  
(c) The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.  
(d) The organisation shall maintain appropriate experience, qualification and training records to show compliance with paragraph (c) above.
- Comment:**  
sub (d) is not specific enough. It needs to be specified for which personnel the

experience, qualification and training records need to be maintained.

**Proposal:**  
specify requirements

comment 1847 comment by: AIR FRANCE

**Comment:**  
sub (d) is not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.

**Proposal:**  
specify requirements

comment 1894 comment by: Unique (Zurich Airport)

- One of the key issues of the Safety Management Requirements of ICAO is a defined separate function to run the Safety Management System  
- this function is missing in OR.GEN.205  
- the compliance monitoring seems to be closely related to a quality management does only partially reflect the ICAO SMS philosophy

comment 2056 comment by: ERA

In sub-paragraph (c) The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.  
In sub-paragraph (d) The organisation shall maintain appropriate experience, qualification and training records to show compliance with paragraph (c) above.

sub-paragraph (d) is not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.

comment 2183 comment by: Icelandair

**Relevant text:**  
(c) The organisation shall have sufficient appropriately qualified staff for the planned tasks and activities.  
(d) The organisation shall maintain appropriate experience, qualification and training records to show compliance with paragraph (c) above.

**Comment:**  
sub (d) is not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.

**Proposal:**  
specify requirements

comment 2350 comment by: Icelandic CAA

(b) Consider removing: "...always in compliance...".

comment 2358 comment by: FINNAIR

(b) A person or group of persons shall be nominated with the responsibility of ensuring ...

Comment: In case of AOC holder's this is not specific enough. Is it limited to post holders or if the responsibilities are covered adequately is there need for 4 postholders (large operator/CAT) or may there be 10 post holders?

Proposal: write more specific text.

comment 2379  comment by: Klaus HARTMANN

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland. Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)
2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.
3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:  
Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 – 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf

Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus.

Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freie Ballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freie Ballonführer BPL/LPL(B)' geben.**

**Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.**

**Für Mini - ATO's BPL/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manuals' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini - ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini - ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini - ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch Senior Examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.**

**Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfahrten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte**

**Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini – ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.**

**Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglichst sein.**

comment 2487

comment by: CB

OR.GEN.210 sub d

Not specific enough. It needs to be specified for which personnel the experience, qualification and training records need to be maintained.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 - OR.GEN.215 Facility requirements**

p. 8

comment 229

comment by: ECA- European Cockpit Association

Comment: add requirements from OR.ATO.315, as follows:

(a) The organisation shall have adequate:

(1) facilities for all planned tasks and activities.

(2) office accommodation for the management of all planned tasks and activities.

**(b) The ATO shall ensure that:**

**(1) the FSTD is housed in a suitable environment that supports safe and reliable operation;**

**(2) all FSTD occupants and maintenance personnel are briefed on FSTD safety to ensure that they are aware of all safety equipment and procedures in the FSTD in case of emergency.**

**(c) The FSTD safety features, such as emergency stops and emergency lighting, shall be checked at least annually and recorded.**

comment 261

comment by: ECA- European Cockpit Association

OR.GEN.215 Facility requirements

The organisation shall have adequate:

(a) facilities for all planned tasks and activities.

(b) office accommodation for the management of all planned tasks and activities.

Justification:

The use of "adequate" is not in line with language requirements by EU law which require clear and unambiguous regulation that does not leave doubts in the mind of the reader

comment 687

comment by: Royal Danish Aeroclub

OR.GEN.215 (b)

Today a lot of organisations do not have accommodation - and this should not be a demand. With modern computer technology, management do often just need

a portable computer. Freedom to do the work wherever wanted should be kept. Accommodation can be anything from not existing to a large office facility. The important thing is, that the management work is done properly.

The paragraph (b) should be deleted.

comment 843

comment by: *Frank Schweppe*

Under b) note that for BPL instruction, due to the nature of ballooning, there is often no fixed office accommodation (balloons usually do not operate out of airfields and many balloonists, including instructors, operate from home, the 'office' being their kitchen or living-room table or at best a small room converted to a home office. The office may be just a file folder and a laptop computer carried in the retrieve vehicle, and a mobile phone to call weather services and ATC.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 -  
OR.GEN.220 Record-keeping**

p. 8

comment 25

comment by: *Alteon*

comment:

There is not time frame defined for record keeping, although there is within OR.ATO.120 for 5 years

Therefore

ADD;

5) Any record used within the Compliance monitoring System shall be kept for at least 5 years

comment 36

comment by: *George Knight*

Again this rule is not proportionate for small clubs.

- (d) "...accessible to the competent authority" implies on-line to the authority. Presumably this should mean 'on request'.

comment 370

comment by: *Aero-Club of Switzerland*

Please add under (c) the desired data storage duration!

Justification: The same duration must be valid for all organisations.

comment 854

comment by: *NATS*

This is a very broad scope and could be interpreted as including records in an organisation that are not involved directly in the service delivery (i.e. safety significant) as the records (e.g. finance) need to be retained but should not be a MS requirement as it pertains to safety regulation.

(d) This implies some form of direct access to organisations records by the competent authority, rather it would be more sensible if records were made accessible (available) upon request.

comment 921 comment by: INAER

**OR.GEN.220 "Record Keeping" (b):**

"The format of the records shall be specified in the organizations procedure"

Suggestion:

**"When applicable, the format of the records shall be referenced in the organizations procedure and be part of the system documentation"**

Argument:

First, not all records must have a format for it. (e.g.: objectives setting and compliance monitoring, inputs to management review or output to management review ...). Forms are a help, but not an obligation in a management system (see definition of record in 3.7.6 ISO 9000:2000).

Secondly, the format has not to be specified in the procedure, but it is enough that it is referenced in the procedure. Moreover, it is highly recommended that the documentation is modular in its design (see GM 1 to OR.ATO 300, point 18 "modular procedures"), and the documents are internally hierarchied, so that the manual is the highest level document, then the procedures, followed by SOPs, Technical instructions, forms and guides.

comment 1141 comment by: AEA

**Relevant text:**

(a) The organisation shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in OR.GEN.200.

**Comment:**

It's not clear whether a system of record keeping means one overall system or separate systems per organization part (such as ATO, AeMC etc).

**Proposal:**

Clarify

comment 1142 comment by: AEA

**Relevant text:**

Record -keeping

(d) Records shall be accessible to the competent authority.

**Comment:**

It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.

**Proposal:**

(d) Records shall be accessible **on request** to the competent authority.

comment 1236 comment by: Swiss International Airlines / Bruno Pfister

**Relevant text:**

(a) The organisation shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in OR.GEN.200.

**Comment:**

It's not clear whether a system of record keeping means one overall system or

separate systems per organization part (such as ATO, AeMC etc).

**Proposal:**

It should be left to the organization and the approving authority, whether an integrated or a decentralised system is used, as long as the interfaces and contents are specified adequately:

"(a) The organisation shall establish a system *or a combination of systems* of record-keeping ..."

comment 1238 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

Record -keeping

(d) Records shall be accessible to the competent authority.

Comment:

It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.

Proposal:

(d) Records shall be accessible **on request** to the competent authority.

comment 1337 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 - OR.GEN.220 Record-keeping

**Relevant text:**

(a) The organisation shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in OR.GEN.200.

**Comment:**

It's not clear whether a system of record keeping means one overall system or separate systems per organization part (such as ATO, AeMC etc).

**Proposal:**

Clarify

comment 1338 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart GEN - Section 2 - OR.GEN.220 Record-keeping

**Relevant text:**

Record -keeping

(d) Records shall be accessible to the competent authority.

**Comment:**

It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.

**Proposal:**

(d) Records shall be accessible **on request** to the competent authority.

comment 1373 comment by: *KLM*

**Relevant text:**

(a) The organisation shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in OR.GEN.200.

**Comment:**

It's not clear whether a system of record keeping means one overall system or separate systems per organization part (such as ATO, AeMC etc).

**Proposal:**

Clarify

comment

1374

comment by: KLM

**Relevant text:**

Record -keeping

(d) Records shall be accessible to the competent authority.

**Comment:**

It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.

**Proposal:**

(d) Records shall be accessible **on request** to the competent authority.

comment

1492

comment by: Deutsche Lufthansa AG

**Relevant text:**

(a) The organisation shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in OR.GEN.200.

**Comment:**

It's not clear whether a system of record keeping means one overall system or separate systems per organization part (such as ATO, AeMC etc).

**Proposal:**

It should be left to the organization and the approving authority, whether an integrated or a decentralised system is used, as long as the interfaces and contents are specified adequately:

"(a) The organisation shall establish a system *or a combination of systems* of record-keeping ..."

comment

1494

comment by: Deutsche Lufthansa AG

**Relevant text:**

Record -keeping

(d) Records shall be accessible to the competent authority.

**Comment:**

It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.

**Proposal:**

(d) Records shall be accessible **on request** to the competent authority.

comment 1650 comment by: CAA CZ

OR.GEN.220 (b), page 8

We recommend adding „manuals“:

The format of the records shall be specified in the organization's procedures **or manuals**.

comment 1771 comment by: DFS Deutsche Flugsicherung GmbH

This is a very broad scope and could be interpreted as including records in an organisation that are not involved directly in the service delivery (i.e. safety significant) as the records (e.g. finance) need to be retained but should not be a MS requirement as it pertains to safety regulation.

(d) This implies some form of direct access to organisations records by the competent authority. It would be more sensible if records were made accessible (available) upon request.

comment 1833 comment by: International Air Transport Association (IATA)

**Relevant text:**

(a) The organisation shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in OR.GEN.200.

**Comment:**

It's not clear whether a system of record keeping means one overall system or separate systems per organization part (such as ATO, AeMC etc).

**Proposal:**

Clarification is needed

comment 1835 comment by: International Air Transport Association (IATA)

**Relevant text:**

Record -keeping

(d) Records shall be accessible to the competent authority.

**Comment:**

It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.

**Proposal:**

(d) Records shall be accessible **on request** to the competent authority.

comment 1849 comment by: AIR FRANCE

**Comment:**

It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.

**Proposal:**

(d) Records shall be accessible **on request** to the competent authority.

comment 2011 comment by: *Walter Gessky*  
 OR.GEN.220  
 Where is the minimum time for record keeping regulated? When no generic information is available than this shall be regulated in the subparts.

comment 2057 comment by: *ERA*  
 It's not clear in sub-paragraph (a) whether a system of record keeping means one overall system or separate systems per organization part (such as ATO, AeMC etc).

comment 2073 comment by: *MOT Austria*  
 OR.GEN.220  
 Where is the minimum time for record keeping regulated? When no generic information is available than this shall be regulated in the subparts.

comment 2184 comment by: *Icelandair*  
**Relevant text:**  
 (a) The organisation shall establish a system of record-keeping that allows adequate storage and reliable traceability of all activities developed, covering in particular all the elements indicated in OR.GEN.200.  
**Comment:**  
 It's not clear whether a system of record keeping means one overall system or separate systems per organization part (such as ATO, AeMC etc).  
**Proposal:**  
 Clarify

comment 2185 comment by: *Icelandair*  
**Relevant text:**  
 Record -keeping  
 (d) Records shall be accessible to the competent authority.  
**Comment:**  
 It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.  
**Proposal:**  
 (d) Records shall be accessible **on request** to the competent authority.

comment 2361 comment by: *FINNAIR*  
 (d) Records shall be accessible to the competent authority.  
 Comment: accessible - how/when? In real time? ?  
 Proposal:  
 (d) Records shall be accessible to the competent authority **on request by reasonable time.**

comment 2488 comment by: CB

Relevant text: Record –keeping (d) Records shall be accessible to the competent authority.

Comment: It is proposed to add that records shall be accessible **on request** to the competent authority. This is to specify that there is no need to build a real time system to give access to the CA.  
(d) Records shall be accessible on request to the competent authority.

comment 2489 comment by: CB

OR.GEN.220 sub a  
It's not clear whether a system of record keeping means one overall system or separate systems per organization part (such as TRTO, AeMC etc).

## B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO

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comment 203 comment by: DGAC FRANCE

Creation of Subpart AFTTO  
*This subpart has to be inserted in the NPA 22 just after Subpart ATO.*

**SUBPART AFTTO – approved flight test training organisations**

**OR.AFTTO.005 Scope**  
This Subpart establishes the additional requirements to be met by an organisation to qualify for the issue or continuation of an approval to provide flight test training for pilots.

**OR.AFTTO.010 Legal entity and financial resources**  
(a) An AFTTO shall be an organisation or part of an organisation registered as a legal entity.  
(b) An AFTTO shall demonstrate to the competent authority that sufficient financial resources are available to conduct flight test training to the approved standards.

**OR.AFTTO.015 Application**  
(a) Applicants for an initial approval shall provide the competent authority with:  
(1) the following information:  
(i) name and address of the organisation;  
(ii) date of intended commencement of operations;  
(iii) personal details and qualifications of the flight instructors;  
(iv) name and address of the aerodromes from which the training is to be conducted, and the name of the aerodrome operator;  
(v) list of category of aircraft to be used for training,  
(vi) description of the training that the organisation wishes to provide, and the corresponding theoretical knowledge and flight instruction syllabi.  
(2) the flight test operational manual.  
(b) In the case of a change to the approval, applicants shall provide the competent authority with the relevant parts of the documentation or manuals referred to in (a).

*Comment: For flight test purpose, specify the category of aircraft is sufficient to comply with the need of flight test training. For example : rather than*

*introducing in the list of aircraft "Falcon 20 F-WGAD", "Twin jet-engines 10tons class" is sufficient*

**OR.AFTTO.110 Personnel requirements**

(a) A Head of Training (HT) shall be nominated. The HT's responsibilities shall include ensuring that the training provided is in compliance with Part-FCL requirements. The head of training must have extensive experience in the flight test activity as a test pilot in the relevant flight test category.

(b) The ground instructors shall have appropriate knowledge and experience in aviation and flight testing in particular.

(c) The flight test rating instructors shall hold the qualification required by Part-FCL and have experience in the flight test category for which they are demonstrating or monitoring any specific type of flight tests.

*Comment: "Flight test rating instructor" is defined in comments on NPA 17 (PART FCL).*

**OR.AFTTO.120 Record keeping**

(a) The following records shall be kept for a period of at least 5 years:

(1) details of ground, flying, and simulated flight training given to individual students;

(2) detailed and regular progress reports from instructors including assessments, and regular progress flight tests and ground examinations; and

(3) information of the qualifications of the students, including the expiry dates of medical certificates and ratings.

(b) The training records shall include a written report by the student for any flight performed including, where applicable, data processing and analysis of recorded parameters relevant to the type of flight testing.

**OR.AFTTO.125 Training programme**

A training programme shall be developed for each type of course offered.

**OR.AFTTO.130 Training aircraft and FSTDs**

An AFTTO shall have access to a fleet of aircraft or FSTDs containing an adequate number of aircraft and appropriately fitted with flight testing instrumentation.

**OR.AFTTO.135 Aerodromes**

An AFTTO shall use aerodromes or operating sites that have the appropriate facilities and characteristics to allow training of the manoeuvres relevant, taking into account the training provided and the category and type of aircraft used.

**OR.AFTTO.140 Prerequisites for training**

An AFTTO shall ensure that the students meet all the prerequisites for training established in Part-FCL.

comment

699

comment by: DGAC FRANCE

We would like to ask if the agency aim to include the training organisation related to air traffic controlers and PART 66 personnel in that subpart, in this case this subpart will have to be review in totality (scope...)

comment

811

comment by: Light Aircraft Association UK

This is a significant, and possibly prohibitive, undertaking for the one-man organisation. The LAA has concerns that the proposals will strongly discourage organisations from gaining this approval.

comment 870

comment by: NATS

Whilst not directly commenting upon subpart ATO - Approved Training Organisations due to this being directly and solely related to flying training, NATS wishes to point out that there are significant differences between flying training and air traffic control training in terms of the nature, method and requirements. Any future work on air traffic control training should take this into account - the proposed rules and AMCs for flying training will, in many cases, not be directly transferable to air traffic control training.

comment 2020

comment by: AOPA-Sweden

In the RIA (appendix IV to NPA22-a) it is declared that about 5% of the current simplest pilot training organizations (registered facilities) the new structure of rules will be relevant. AOPA-Sweden cannot find a word in the whole NPA 2008-22c about this fact. AOPA-Sweden requires a clarification in this subpart about which type of training organizations are excluded or which organizations required to follow the subpart ATO.

comment 2288

comment by: FAA

**OR.ATO.015 Application (a) 1 (iii)** Appears to request details and qualifications of all instructors employed in the ATO where as the associated AMC material only request this information for the management instructor staff. Other than establishing basic qualification for the general instructor cadre, is there a need to provide detail qualifications of all instructors?

**Recommendation:** It would appear that the AMC specification is more practicable than the OR wording and requirement and therefore the wording in the OR section should be modified to that contained in the AMC document.

comment 2388

comment by: European Sailplane Manufacturers

ATO - requirements for approved training organisations

In gliding the majority of training is done in clubs and federations which are non-profit organisations and where the personnel consists of the club/federation members spending their spare time without payment.

Any approach taken to supervise / regulate / approve such organisations like fully professional and commercially operating organisations is simply inadequate and not reasonable.

To the knowledge of the European sailplane manufacturers the diverse and different European systems of pilot traing have not led to a safety problem in gliding.

As the manufacturers have contact into all European member states the really can say with reason that no single member state has a problem stemming from poor or inadequate pilot training.

From this it can be deduced that no safety improvement can be expected by

introduction of a new system like the Subpart ATO.

On the other side many requirements of ATO will result into enforcement of changes to existing training organisations.

All organisations will be forced to understand / apply / adhere to the new rules and get the regarding approvals - with associated effort and costs but without an expected safety benefit.

Therefore the sailplane manufacturers oppose direct application of this regulation to the small and sport aviation sector.

The only fitting approach can be legislation which allows the existing systems to proceed and allow all sport and recreational pilots in Europe to continue their flying activities without national borders.

## B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1

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comment 680

comment by: *Aero-Club of Switzerland*

The subpart ATO is made for commercial ATO. Over 90% of the glider schools in Switzerland are club-based "Registered Facilities (RF)" managed by volunteers. Also the flight instructors are volunteers.

Proposal: "Light ATO" or "Registered facilities" (RF) should be created for all non-commercial training organisations.

Justification: A gliding club with an integrated flight training organisation offers the training for the members only. The costs are an important factor, especially for young people. The requirements in this subpart ATO are too complicated, they are cost -drivers for the gliding community and are hindering the future development. Today's RF requirements are fully sufficient.

comment 1052

comment by: *European Gliding Union (EGU)*

General comment / proposal:

This document on ATOs is definitely written with the commercial operators in mind and we ask to create a level of ATO suitable for the non commercial, club based, voluntarily run non-profit ATO.

We recommend to use the following structure:

1. Commercial ATO
  - "small" - with a clear definition of what is "small"
  - "other"
2. Non-profit ATO

comment 1762

comment by: *Swiss Power Flight Union*

The subpart ATO is made for commercial organisations. The most of the flying schools in Switzerland are club-based "Registered Facilities" (RF), managed by volunteers and also the flight instructors are volunteers.

Proposal: A "Registered facility" should be created for all non-commercial

training organisations.

Justification: A flying club with an integrated flight training organisation offers the training for the members only. The costs are an important factor, especially for young people. The requirements in this subpart ATO are too complicated and cost -drivers.

We need not more complicated requirements, that the RF-requirements valid today.

comment 2359

comment by: FAA

**OR.ATO.110 Personnel requirements (a)** Would imply that the title for this person must be "Head of Training" which is very descriptive instead of specifying the overall duties and responsibility of the person in that position. By being this specific, it may require that many operators needlessly amend there structure and all associated documentation to incorporate the "Head of Training" title.

**Recommendation:** The use of a general title with the specific duties and responsibilities for that position spelled out would accomplish the same end result without the necessary change of the structure of existing operators.

comment

2377

comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU believes that this section 1 - General, which applies to all training organisation is not adapted to Small non commercial, non profit training organisation.

EPFU request that a new section1 will be implemented to take into account the real situation in that category of Small organisations. In particular, OR.ATO.010 "Legal entity and financial resources" (b) is completely unrealistic and impossible to implement for that category of training organisation.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 -  
OR.ATO.005 Scope**

p. 9

comment 84

comment by: *phil mathews*

Flying schools working solely on PPL activities are in many case small. The amount of regulatory paperwork required of these schools should be kept to a minimum. Use of the UK CAA RTF form is more than adequate to cover the requirement of the Authority knowing which scools are providing flying training in this area.

comment 101

comment by: *DC-AL*

I believe the European Aviation Safety Agency and the Authorities should not be involved in financial regulation.

comment 104

comment by: *Peter Kynsey*

The requirement for all providers of training to be approved cannot be justified by any safety case, EASA has provided no such justification. In the UK providers of PPL training are only required to register with the CAA. For small

organisations this is an entirely practical way to operate and has not caused a deterioration in training standards in the UK. EASA'S proposals are only relevant to organisations providing training for professional licences but are excessively onerous for the PPL market. The requirement for proof of financial resources will be a paperwork exercise proving nothing, EASA itself admits it is not good enough to provide consumer protection so what is its purpose? In summary EASA is trying to impose on the PPL training world, requirements relevant only to operators in the commercial flying training world, in the same way that it imposed part M on light aviation when part M was suitable only for commercial aircraft maintenance.

EASA is providing another nail in the coffin of General Aviation when the establishment of EASA gave a unique opportunity to reduce regulation in Europe and make training providers here able to compete with those abroad, for example in the USA. Sadly EASA never seized this opportunity.

comment 107

comment by: *Flintshire Flying School Ltd*

ATO 005 a

All FTO would now seem to be included as ATO; there is no provision for Registered Facilities as currently.

To attain ATO status will require considerable back office effort and time by both the FTO and the regulatory authority. Will the ATO authorisation have to be also a physical inspection/audit of the defined facilities, even for FTO offering only LPL & PPL training? Anything other than a procedural audit will become a burden on the ATO and if required regularly it is difficult to understand how the regulatory authority will be able to staff this requirement, let alone the ATO.

comment 201

comment by: *DGAC FRANCE***SUBPART ATO – APPROVED TRAINING ORGANISATIONS****Section 1 – General****OR.ATO.005 Scope***Item # (4) is deleted**All about flight test training are gathered in subpart AFTTO.*

comment 279

comment by: *Susana Nogueira*

(b) and (c) Ad word additional before the actual text to read: '**Additional requirements...**'

This regulation establish any other requirements for ATOs

comment 280

comment by: *Susana Nogueira*

(c)(3) Delete this paragraph.

Is included in part FCL as a licence

comment 695

comment by: *Maarten*

Hello,

Why do I take the time to invest time in this complicated text?? It's for my (and thus for others) safety. Why? I am just a simple PPL pilot with about 300 hours. When you are flying VFR you generally get to your destination aerodrome. But a couple of times for the return flight it would have been better to have returned under IFR flight-rules. So for safety purposes I want to get a IFR qualification. So I need to find a good and not too much money costing ATO to pass the qualification.

Now first general conclusion remarks on this text;

- What is the end purpose of this future ATO and FSTD regulations? That there are more and save pilots in Europe for a reasonable cost?? If the answer is no, just stop reading and adopt this text. If yes, then "you" have to make a considerable attitude change. Why? This ATO project is apparently made for big commercial ATO's with complicated FTSD. The small commercial ATO's and non-profit ATO's (flying-clubs) will simply disappear because the "back-office" regulations are just too complicated and expensive!! But maybe that's the hidden agenda??

- This ATO project is not made for small commercial ATO's and non-profit ATO's with "simple" FSTD's. So there has to be an exception for them.

- I propose that by simple statements in the text it says: "except for small ATO's".

- "Small ATO's" are small commercial ATO's (with a limited number of planes and instructors (20??), and all non-profit ATO's (flying clubs).

- In this project the ATO's backoffice requirements are too heavy. The CMS/CMC request/proposal is completely a pilot and flying killer; with this pilots and instructors will stay on the ground and will not be flying or instructing!! The same remark can be made to all the checks and auditions asked for the FTSD.

I will continue in the perspective of a flying club to give detailed remarks in the text. Thank you and have a good day and let me/us fly!!!!

comment

846

comment by: *Aero-Club of Switzerland*

We are not happy with the mix of commercial and not commercial ATO's.

Proposal: Commercial organisations and not for profit organisations should be clearly separated.

comment

1034

comment by: *Fédération Française Aéronautique*

Because it is misleading and because no "qualification" (as defined in Part FCL) is involved when applying for an approval, FFA proposes to change the words "to qualify for the issue of approval", into the words "to apply for an initial approval".

comment

1042

comment by: *European Gliding Union (EGU)*

OR.ATO.005 Scope

This paragraph mentions a number of different kinds/types of training courses; no differentiation is made in regard of commercially organised training (where training is a business goal of the company) or non-profit organisation where training is given on behalf of the members without any commercial goal.

We propose – as already said – to make a clear distinction between commercial

and non commercial organisations. The legal status of the organisation is the ultimate factor.

comment 1077 comment by: *EUROPEAN GLIDING UNION*

**OR.ATO.005 Scope**

This article describes a number of different types of training, but no differentiation is made in regard of commercially organised training (where training is a business goal of the company) against a not-for-profit organisation where training is provided by and on behalf of the members without any commercial goal.

Proposal.

There is a need to make a clear distinction between commercial and not-for-profit organisations. The legal status of the organisation may be the determining factor.

comment 1099 comment by: *EUROPEAN GLIDING UNION*

General remark and proposal

As this document relating to ATOs is written from the commercial training viewpoint, the EGU proposes to create an alternative type of ATO: a "not-for-profit ATO" with relevant and proportional requirements.

This indicates that the following structure is required:

1. Commercial ATO

It is up to these organisations whether if it necessary to make a distinction between "small" and "other".

2. Not-for-profit ATO

For all the air sport clubs/federations educating and training their members in their chosen sport and, further, the work is done primarily by the members-volunteers.

Proposal:

The EGU is prepared to work with the Agency to develop not-for-profit ATO requirements relevant to and acceptable to EASA and the sport of gliding across all member states.

comment 1192 comment by: *DCAA*

Add; Insurance Certificate

comment 1200 comment by: *French gov - DGA - FRENCH FLIGHT TEST CENTER*

Item (c) (4) must be deleted : All about "flight test training" are gathered in subpart AFTTO.

comment 1755 comment by: *Norwegian Air Sports Federation*

Proposal. Make a clear distinction between commercial and non-profit

organisations. In organisations based on membership the students/members has much more influence than students in commercial organisations.

comment 2091 comment by: *Irish Aviation Authority*  
 Para (b) should start "**additional** requirements for:"  
 Para (c) should start "**additional** requirements for:" sw 280509

comment 2150 comment by: *CAA Finland*  
 Possible need for amendment to be in harmony with OR.ATO.450  
 (3) Multicrew Pilot Licence (MPL) **and MPL** instructor courses;

comment 2151 comment by: *CAA Finland*  
 Clarification. Word "additional" may be misunderstood.  
 This Subpart establishes the ~~additional~~ requirements to be met by ....  
 including:  
 (a) requirements for approved training organisations (ATOs) providing training for licences, ratings and certificates;  
 (b) **additional** requirements for:  
 (1) ....  
 (c) **additional** requirements for ATOs providing:  
 ....

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 - OR.ATO.010 Legal entity and financial resources**

p. 9

comment 33 comment by: *Robert McPhee*  
 How does this statement affect flying clubs which are currently Registered Training Facilities and are run by military personnel on a military station under the ultimate authority of the station commander and therefore the Ministry of Defence? Will they have to be broken out from such control and become companies in their own right or will the military association be considered "Legal entity"?

comment 37 comment by: *George Knight*  
 -(a) This (inadvertently perhaps) may prevent a national sporting body, such as the UK's BGA, which is a federation of self governing member clubs, each of which is a separate legal entity, from being an umbrella ATO overseeing training in its member clubs.  
 The issue could be resolved by changing the wording to "(a) An ATO shall be an organisation, a part **of or a member** of an organisation registered as a legal entity."

comment 38 comment by: *George Knight*

-(b) This does not consider the case of non-profit making, charitable, members' clubs that by their very nature have negligible financial resources or other assets, yet in many cases have operated successfully, achieving excellent standards, for many decades by use of volunteers.

It is not for the authority to approve club's financial affairs – only ensure that they achieve appropriate technical standards.

comment

66

comment by: *British Gliding Association*

To date, gliding training in the UK has been conducted within a integrated structure that comprises both the national gliding association (BGA) and all clubs.

The BGA is responsible for the overall definition and development of the training system and the oversight of training operations; training operations are directly managed by clubs. Similar process takes place within most member state gliding federations.

The system works extremely well, it ensures coherence in all aspects of the training system; allows for the rapid dissemination of new practices; and, reduces overhead and administration costs.

The fundamental performance of the system is attested in the excellent quality of trained pilots and overall safety levels.

We strongly suggest, therefore, that it should be possible to meet this requirement through a coherent gliding federation of clubs rather than requiring each club to become an individually approved training organisation.

comment

86

comment by: *James Carrie*

Does this imply that an individual cannot be an ATO? I teach flight theoretical knowledge from my home. I am a registered facility. I earn only a small amount of money at it. What possible benefit can there be to my customers making me form a legal entity (Limited Company in the UK I presume)? Will this improve flight safety, the quality of my training or the enjoyment of my students. NO in every case.

An Individual should be allowed to register as an ATO.

comment

141

comment by: *Aero-Club of Switzerland*

The Aero-Club of Switzerland has some questions:

Who will define what will be a "sufficient funding"? And: At what time this proof has to be delivered, on what base: An annual report? A quarterly report?

Is the Agency aware of the fact that a very high percentage of all training in aviation is given on a voluntary base in clubs?

If the answer to all these questions is "yes", the proposed text can be accepted. If the answer is "no" we ask the Agency to better define all relevant key-words.

- comment 217 comment by: *ECA- European Cockpit Association*
- Comment on paragraph (b):  
The paragraph should be deleted or reworded to link it with safety requirements and extended to all organisations.
- Justification:  
There should not be a link between financial resources and safety levels. Financial robustness to ATOs should also be applied for operators and AeMCs. What is recognized here for the ATOs is also valid for operators or AeMCs.
- 
- comment 281 comment by: *Susana Nogueira*
- Question to EASA  
Is not possible to establish any kind of ATO by an individual person? For example for LPL training
- 
- comment 334 comment by: *UK CAA*
- Page No:**  
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- Paragraph No:** OR.ATO.010 (b)
- Comment:** The requirement for ATOs to demonstrate sufficient financial resources has no clear safety justification and any related obligation given to the competent authority to check or approve such a demonstration would expose it to claims from students of failed ATOs.
- Justification:** Despite the claim in the AMC to OR.ATO.010(b) that the requirement is not a consumer protection measure the safety justification is not established. Including the requirement in this measure would place inappropriate burdens and liabilities on competent authorities with safety oversight responsibilities. In this respect CAA notes that there are no similar requirements in this NPA or NPA 2009-02 for other organisations to demonstrate to the safety authorities that they have sufficient financial resources.
- Proposed Text (if applicable):**  
**Delete sub-paragraph (b)**
- 
- comment 426 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*
- Comment:
- ATO: Does this include all RF's according today's JAR-FCL? In this case this could become a heavy burden for small flying clubs as well as for the authority. RF's at present do not have to demonstrate sufficient financial resources.
- Proposal:
- In OR.ATO.010 should be clarified that RF's are excluded from this requirement.*

- comment 681 comment by: *Aero-Club of Switzerland*
- Nearly all gliding schools ins Switzerland are club-based ATO's.  
Proposal: Please add:
- (c) A non-commercial ATO may be managed by a club which is not a legal entity.
- Justification:
- Most gliding clubs in Switzerland work on a voluntary basis, and also the training is conducted on a voluntary basis. These clubs are organised in the form of club ("Verein"). Swiss law provides that a club may only be registered (as required by OR.ATO.010, lit a) in the commercial register if and when it operates commercially. This new requirement from OR.ATO.010, lit a) would thus force clubs in Switzerland to either not perform training anymore or to perform it commercially.
- 
- comment 696 comment by: *Maarten*
- What are sufficient financial resources? This is not clear. One euro or one million euros? Gives this the Authority a power means to close or refuse a ATO because no apparant resouces available? How are flying-clubs to do this? Is the qualification and the quality of the student pilot not the ultimate proof?? If you can't give a standard, scrap this section.
- 
- comment 844 comment by: *Frank Schweppe*
- The obligation to be a legal entity (thus, a registered company) seems over the top for BPL instructors who usually have a personal instructor's rating and give instruction on a part-time or even voluntary basis, taking on one or two students per year. The same goes for the financial resources. Habitually, in ballooning, students provide the aircraft (they bring their own balloon) and any additional equipment required; often the instructor travels to the location or area where the student is situated, bringing some personal items, logbook, paperwork and an overnight bag if training flights are planned during a weekend at a fair distance from the instructor's home. This requires very limited financial resources (basically, the students need the financial resources, not the instructor).  
I would suggest an exemption of a) and b) for single-person instructor 'organisations' for the BPL.
- 
- comment 847 comment by: *Aero-Club of Switzerland*
- OR.ATO.010 shows a lot of problems for non-commercial organisations.
- Proposal: Delete the requirements of OR.ATO.010 for all non-commercial organisations.
- 
- comment 1036 comment by: *Fédération Française Aéronautique*
- OR ATO 010 (b)  
Considering this rule completely unrealistic and not adapted to "Very small" (see our proposed definition in the FFA comment on NPA page 1 above), and for "Small organisations", FFA requests to delete this paragraph, or to keep it

only for "other/large organisations".

FFA points out that this rule is not directly safety related and goes beyond the scope of this NPA and the EASA remit.

comment 1043 comment by: *European Gliding Union (EGU)*

OR.ATO. 010 Financial resources (b)

The Approved Training Organisation (ATO) is required to prove it is financial sound.

We ask to delete this element.

In a sports club / federation environment this is an irrelevant request. Clubs /federations have to be financially sound in order to maintain their status according to most national laws in Europe. The financial management again is put into the hands of volunteers who are personally eligible for any fraud. The members are funding the planned activities of the club/federation and thereby very much involved in the day to day financial dealings.

comment 1079 comment by: *EUROPEAN GLIDING UNION*

OR.ATO. 010 Financial resources

In item (b), the ATO is requested to prove its financial status. In an air sports club/federation environment this request is irrelevant. Of course clubs/federations need adequate financial management but this is built up from a completely different approach than that required in a commercial organisation. Air sports club members fund the planned activities of the club/federation.

The Agency should not be concerned with 'consumer protection' through economic regulation as it is not within the scope of the Agency. Requiring financial resources to be adequate and verified for an ATO can only be interpreted as a 'consumer protection' measure, and is therefore unacceptable, particularly in the gliding and air sports worlds.

Proposal: Delete this requirement.

comment 1714 comment by: *Baden-Württembergischer Luftfahrtverband*

OR.ATO.010(a)

**Wording in the NPA**

(a) An ATO shall be an organisation or part of an organisation registered as a legal entity..

**Our proposal**

**Change:**

(a) An ATO shall be an organisation or part of an organisation registered as a legal entity **or a club.**

**Issue with current wording**

We can not tell if the notion "legal entity" covers clubs

**Rationale**

Most ATO for private pilot licenses and glider licenses in Germany are integrated into flying clubs. We can not tell if the notion "legal entity" used

here applies to clubs and therefore request clubs to be specifically mentioned.

comment 1715 comment by: *Baden-Württembergischer Luftfahrtverband*

OR.ATO.010(b)

**Wording in the NPA**

(b) An ATO shall demonstrate to the competent authority that sufficient financial resources are available to conduct training to the approved standards.

**Our proposal**

**Change:**

(b) A **commercially operated** ATO shall demonstrate to the competent authority that sufficient financial resources are available to conduct training to the approved standards.

**Issue with current wording**

This requirement does not apply to non commercial clubs.

**Rationale**

The financial situation of a club is based on the contributions of the members. Training is provided as needed by volunteer instructors. The ability to conduct training is not related to its financial resources. Commercial criteria can not be applied.

comment 1757 comment by: *Norwegian Air Sports Federation*

This is not applicable to aero clubs. OR.ATO.010 should be deleted or moved to section 2 where it might be relevant.

comment 1778 comment by: *Swiss Power Flight Union*

If EASA create a "Registered facility" for non-commercial flights, the demonstrate of "the sufficient financial resources" is not necessary.

comment 2290 comment by: *Light Aircraft Association of the Czech Republic*

This requirement (b) shows that EASA does not fully understand the nature of Sports and Recreational Environment. Most of the clubs are non-profit volunteer organisations and such requirements are absolutely not necessary and we strongly reject them. It is simply not possible to make income forecasts supported by statement of the bank as requested in AMC to OR.ATO.010(b) -see page 39. We do not see any reason for such excessive requests.

comment 2301 comment by: *Deutscher Aero Club Landesverband Niedersachsen*

**Wording in the NPA**

(b) An ATO shall demonstrate to the competent authority that sufficient financial resources are available to conduct training to the approved standards.

**Our proposal**

(b) A **commercially operated** ATO shall demonstrate to the competent authority that sufficient financial resources are available to conduct training to the approved standards.

**Issue with current wording**

This requirement does not apply to non commercial clubs.

**Rationale**

The financial situation of a club is based and ensured by the contributions of the members. Training and infrastructure is provided as needed and related to the number of students. Commercial criteria can not be applied.

comment

2323

comment by: *Europe Air Sports PM*

OR.ATO. 010 Financial resources

In item (a) the ATO is required to be an organisation or part of an organisation registered as a legal entity.

Many air sports and recreational flying clubs are unincorporated members' clubs and as such, in several Member States, are not required to have a formal legal status under national law. Therefore EAS is concerned to understand the implications for clubs of this requirement and whether it will lead to the need for members' clubs in certain States to be reconstructed as 'legal entities'. If so there could be adverse consequences, in particular in relation to taxation, liability issues and administrative / compliance costs, of such imposed changes.

In item (b), the ATO is requested to prove its financial status.

The Agency should not be concerned with 'consumer protection' through economic regulation as it is not within the scope of the Agency. Requiring financial resources to be adequate and verified for an air sports ATO constitutes 'consumer protection', and is therefore totally unacceptable, particularly in the air sports world. Apart from this, the draft rules are intrusive and would create an unnecessary and unjustified burden on clubs, particularly the requirements in respect of banks' confirmation of facilities.

In an air sports club/federation environment this request is irrelevant. Of course clubs/federations need adequate financial management but this is built up from a completely different approach than that required in a commercial organisation. Air sports club members fund the planned activities of the club/federation.

Proposal:

Reconsider the need for registration as a 'legal entity'.

Essential to delete this requirement for financial monitoring and compliance.

comment

2379 comment by: *Klaus HARTMANN*

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter

wohnen in der Regel gleichmäßig verteilt über Deutschland.  
Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)
2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.
3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 – 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus. Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Hauptverbot darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig

ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freiflightführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberichter aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freiflightführer BPL/LPL(B)' geben.**

**Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.**

**Für Mini - ATO's BPL/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manuals' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini - ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini - ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini - ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch Senior Examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.**

**Im Freiflightbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Freiflightgruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportflarten / Flarten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini - ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.**

**Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglich sein.**

comment

2425

comment by: *FlightSafety International*

What is considered "appropriate knowledge" for theoretical knowledge instructors? How is their capacity to teach proven?

Further clarification is needed to avoid subjective interpretation by competent authorities.

Further clarification is needed to avoid subjective interpretation by competent authorities.

Add "/or" after appropriate knowledge and.

ATOs currently have many highly qualified ground instructors who know the aircraft and are qualified to teach ground school. There is no safety issue with qualifying a ground instructor who has no previous aviation background.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 -  
OR.ATO.015 Application**

p. 9

comment

12

comment by: *Ryanair*

Comment

Large training organisations that have the privilege to conduct commercial air transport or an ATO having a specific arrangement with a commercial air transport operator could have a large fleet of aircraft from which to choose for aircraft training. Listing the registration details of all these aircraft and keeping it accurate will be administratively difficult.

Proposal

Such organisations are allowed to refer to the Airline's AOC approval (or equivalent) and the relevant fleet type as a means of satisfying the requirement in this Part.

(v) list of aircraft to be used for training, including their group, class or type, registration, owners and category of the certificate of airworthiness: A training organisation that has the privilege to conduct commercial air transport or an ATO having a specific arrangement with a commercial air transport operator may quote the Airline AOC reference number and state the relevant fleet.

comment

39

comment by: *George Knight*

Again this rule has not been framed with small organisations in mind and not proportionate.

-(a)(1)(iii) Many gliding clubs have 40 or more volunteer instructors. As long as all instructors are appropriately qualified the authority only needs to know the details of the head of training (CFI). Having to notify the authority of every change of instructor or instructor's status is not a reasonable burden, is not proportionate and has no safety benefit.

comment

40

comment by: *George Knight*

-(a)(1)(iv) By their nature gliding clubs often mount expeditions to other gliding clubs, other airfields which are not gliding clubs or even to farmers' fields which are used for only a few days a year. It should only be necessary to provide details of the main airfield not all places that may be visited from time-to-time.

comment

41

comment by: *George Knight*

-(a)(1)(v) For gliding organisations training for non-professional licences it is common to borrow or hire-in aircraft from members, other clubs or the UK

BGA for short periods. This is particularly common when operating as guests from another club's site. The provision of a list of aircraft normally used should not preclude an ATO from using other aircraft on a temporary basis without the need to notify, or seek permission from, the authority.

comment 42 comment by: *George Knight*

-(b) For non-professional licences this should not be required.

comment 76 comment by: *ETPS CI*

**OR.ATO.015 Application**

*(a) Applicants for an initial approval shall provide the competent authority with:*

*(1) the following information:*

*(v) list of aircraft to be used for training, including their group, class or type, registration, owners and category of the certificate of airworthiness;*

**Comment 1** . ETPS utilises a pool of aircraft for the majority of its flying training and various visiting aircraft for a minority of its flying training. It would be impossible to provide registration and owner[S1]ship of all of the aircraft likely to be used on during training. It would be easier to specify a group/class/type with alternatives. ETPS will seek AMC under OR.GEN.020 of this document.

comment 97 comment by: *NFLC*

This refers only to initial approvals. Currently, PPL training within the UK can be conducted by 'Registered Facilities' which are flying clubs/schools which have supplied the information listed at OR.ATO.015 (a) (1) to the UK CAA but do not receive a formal 'approval'. What is the position for existing UK Registered Facilities? How will existing organisations providing training for PPL become 'approved'? The application form given at AMC to OR.ATO.015 appears to be for ATOs providing training for other than LPL, PPL, BPL, SPL in that there is a requirement for Operations and Training manuals and a note to say if the answers to all questions are incomplete then alternative arrangement must be provided. What are they?

comment 102 comment by: *DC-AL*

By their nature, aircraft often become unavailable, and organisations frequently need to be able to lease in replacements at short notice (for example a small organisation may only have one aircraft equipped for instrument qualification or stall spin avoidance training). It is impractical for such a small organisation to give notice to the Authority in advance of such temporary changes.

comment 125 comment by: *DCA Malta*

**OR.ATO.015(a)**

Add details of insurance

Add organisation manual (Page 7 Item 6)

comment	126	comment by: <i>DCA Malta</i>
	<p><b>OR.ATO.015 (a) (2)</b>  Add requirement for a simplified training/operations manual.  An AMC should be issued for this.</p> <p>How can a competent authority approve and audit a training organisation on the basis of procedures that are in somebody's head?</p> <p>The requirement for an organisation manual, training programme, a management system, and also the personnel requirements, facility requirements, record keeping requirements, aerodromes requirements, pre-requisites for training requirements all call for the need of a simplified training/operations manual that requires the approval by the competent authority.</p>	
comment	218	comment by: <i>ECA- European Cockpit Association</i>
	<p><i>Details of aircraft insurance held</i> item is missing there (see Appendix 3 to JAR-FCL 1/2.125 (h)).</p>	
comment	219	comment by: <i>ECA- European Cockpit Association</i>
	<p>Comment on paragraph (a)(2): change as follows:  (2) the operations and training manuals, except for ATOs wishing to provide training <b>exclusively</b> for LPL, PPL, BPL and SPL</p> <p>Justification:  OPS and Training manuals should be provided for all professional license and rating courses.</p>	
comment	282	comment by: <i>Susana Nogueira</i>
	<p>(a)(1) Include other item for 'details of Insurance certificate'</p>	
comment	283	comment by: <i>Susana Nogueira</i>
	<p>(a)(1) Include other item for 'Maintenance system'</p>	
comment	284	comment by: <i>Susana Nogueira</i>
	<p>(a)(2) The operations, training and <b>organisation</b> Manuals</p> <p>See OR-GEN 200(6)</p>	
comment	285	comment by: <i>Susana Nogueira</i>
	<p>(a)(2) The operations, training and organization manual, except for ATOs wishing <b>only</b> to provide training for LPL, PPL, BPL <b>or</b> SPL</p> <p>To clarify text</p>	
comment	286	comment by: <i>Susana Nogueira</i>

(a)(2) In our opinión the ATOs for LPL, PPL, BPL or SPL, having a training programme, should have an simplified training manual

comment 786 comment by: *David COURT*

(iv) excluding balloons as we do not normally use aerodromes.

comment 806 comment by: *ENAC TLP*

(a) (1) add:  
personal details and qualifications of the appointed HT  
personal details and qualifications of theoretical knowledge ground instructors

comment 852 comment by: *Frank Schweppe*

Under (iv) for the BPL, flights are not conducted from aerodromes, and may be conducted from various sites in various regions of the country, depending on availability, weather conditions etc. So I would add "except for balloon flights" or "except for BPL training".

Under (v), in balloon training the students usually provide their own equipment (complete balloons or envelopes, which they own or borrow), for the simple reason that balloons have very limited lifespan and voluntary instructors want to limit risk to their own equipment. So especially an individual single instructor will execute instruction flights using equipment that is not known long before the flights. Thus there will never be a full list available for the initial application. I suggest again to add "with the exception of BPL training" or, as under (2), "except for ATOs wishing to provide training for LPL(B) and BPL".

comment 922 comment by: *INAER*

**OR.ATO.015 (a) 2.**

Introduces requirements for training for" LPL, PPL, BPL, and SPL", but there is no previous definition for that names.

comment 994 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment for (a) (2):**

There is a need for simplified operations and training manuals even for small organisations that provide training for LPL, PPL, BPL and SPL.

**Proposal for (a) (2):**

Amend point (2) the operations and training manuals. The operations and training manuals can be simplified for ATOs wishing to provide training for LPL, PPL, BPL and SPL.

**Comment for (a) (1) (i):**

Organisation number of the Training Organisation is missing

**Proposal for (a) (1) (i):**

Add organisation number, when available, in both places, (a) (1) (i) and in box no: 1

comment 1039 comment by: *Fédération Française Aéronautique*

OR ATO 015 (a) (1) (iv)

FFA strongly requests to delete item (iv), because all suitable aerodromes can be used for flight training in addition to the aerodrome where the organisation is based.

Moreover, the name of the aerodrome operator is not safety related information.

This item is over-prescriptive and should be merely deleted.

comment 1044 comment by: *Fédération Française Aéronautique*

OR ATO 015 (a) (2)

FFA strongly supports that this rule concerning the operations and training manuals shall not applied to "Very small" ATOs (see our proposed definition in the FFA comment on NPA page 1 above) which provide training for basic LPL, LPL, PPL, BPL and SPL, only.

If any, it should be specify which manuals shall be provided by the "Very small" and "Small" ATOs.

comment 1062 comment by: *CAA Belgium*

(a)(1)(ii)

Proposal: Change the words "of operations" into "of activity".

Reason: More general.

comment 1063 comment by: *CAA Belgium*

(a)(1)(iv)

Proposal: Delete "and the name of the aerodrome operator".

Reason: Is unnecessary information and such info, if really needed, should be AMC material.

comment 1127 comment by: *CAA Belgium*

(a)(1)(v) Add details of insurance certificates.

(a)(2) Organisation manual is required.

comment 1193 comment by: *DCAA*

(2)

There is a need for training manuals for all licences, also LPL, PPL, BPL and SPL.

If no training manual how shall the training then be conducted ?

comment 1652 comment by: CAA CZ

OR.ATO.015 (a)(1)(v), page 9

We recommend to add „details of aircraft insurance held“ (see Appendix 3 to JAR-FCL 1/2.125 para (h)):

(v) list of aircraft to be used for training, including their group, class or type, registration, owners and category of the certificate of airworthiness, **details of aircraft insurance held**;

comment 1653 comment by: CAA CZ

OR.ATO.015 (a)(2), page 9

Add missing "organization manual" (see page 7, OR.GEN.200(a)(6)) a „only“: (2) the **organization**, operations and training manuals, except for ATOs wishing to provide training for LPL, PPL, BPL and SPL **only**.

Otherwise, the organization, that provides CPL, ATPL, IR trainings, would not need to submit required manual to the authority.

comment 1687 comment by: Graham HALLETT

OR.ATO.015

Paragraph (a)1(iv). This is of course not applicable for balloons as they generally do not use aerodromes. Rather than include in the regulations a clause which was not applicable to a certain sector of aircraft, it would be simpler to preface this item with the words: "**(except balloons)**".

Paragraph(a) 1(v). Whilst an application must obviously include details of the aircraft types to be used, in the case of balloons (in particular, but applicable to other types), I cannot see any benefit to the Authority in providing the requested detail on individual aircraft to be used. A balloon is an extremely simple aircraft and, for the purposes of flight training, one is much like another. An organisation providing flight training in balloons, without owning its own aircraft but using the students own, or a leased/borrowed balloon, may provide training in a very large number of balloons. Although it might be possible to provide such a list at the time of application, it would almost certainly be out of date quickly and therefore of no benefit.

I would suggest this clause could be reworded as follows:

**'List of aircraft types to be used for training, including their group, class and category of the certificate of airworthiness;'**

Paragraph (b). It is not clear (to me) what changes to the organisation would constitute a change to the approval. Whilst a change to the aircraft type might reasonably constitute such a change, the replacement of one aircraft with a different one of the same type and specification must surely not. If it is intended that changes of individual aircraft within the same type would require a change to the approval, this is clearly an overly bureaucratic requirement and should be rejected immediately. However, if the changing of individual aircraft within specified types does not change the approval, then it is clear that there should be no need to provide information on individual aircraft owners or registrations on initial application.

comment 2094 comment by: Irish Aviation Authority

1) para (a)(1) - Add 'Aircraft Insurance Certificate'

2) para (a)(2) - ATOs providing training for LPL, PPL, BPL & SPL must provide a training manual - OR.ATO.125 requires a training program for each type of course provided, so this must be included in a training manual & submitted sw 280509

comment

2123

comment by: CAA Norway

OR.ATO.015(a)(1)

The application should also show details regarding insurance and maintenance contracts, arrangements with the aerodrome operator, and with ATC, if applicable.

comment

2125

comment by: CAA Norway

OR.ATO.015(a)(2)

For clarity amend text as follows: "...except for ATOs **ONLY** wishing to provide training for the LPL, PPL, BPL **OR** SPL."

comment

2154

comment by: CAA Finland

Amend. The authority shall have oversight on activities so the alternative training sites are important information.

(iv) name and address of the aerodromes **and other training sites** from **or on** which the training is to be conducted, and the name of the aerodrome operator;

comment

2155

comment by: CAA Finland

Amend. For student and instructor safety the insurances are important information.

(v) list of aircraft to be used for training, including their group, class or type, registration, owners and category of the certificate of airworthiness **and insurances;**

comment

2158

comment by: CAA Finland

Amend. Clarification fot not to be a "green card" for an ATO giving CPL and ATPL training. An ATO might slip from manual requirtement by adding LPL training. Secondly: Harmonization with AMC to OR.GEN.200(a)(6).

(2) the **organisation**, operations and training manuals, except for ATOs wishing to provide training **only** for LPL, PPL, BPL and SPL

comment

2267

comment by: Svenska Ballongfederationen

OR.ATO.015 Application

(v) This paragraph is not applicable to a balloon training organisation and

should be removed for balloons.

For the balloon flight school operated by Svenska Ballongfederationen this would mean that we would have to list more or less all Swedish balloons and a lot of balloons registered in other countries as well. This is shown in the following paragraphs.

For a flight school training for example helicopter pilots (v) would work well since the flight school would normally own and operate just a few helicopters. A balloon flight school works in a different way. Here we will use a balloon owned, borrowed, or operated by the person in need of training, proficiency check, or any other services offered by the flight school. The flight school will not be the owner of the balloon that is used.

Almost all Swedish balloonists are organized in Svenska Ballongfederationen, SBF for short. SBF is the national non-profit balloon organization. SBF has through its flight school and training organization performed the main part of training for balloon certificates for thirty-five years.

SBF performs the main part of all training for new certificates, revalidation of expired certificates, proficiency checks, and training for extension of privileges to other balloon classes or groups. This means that we will have to list all balloons that might be needed to do this and as mentioned before these are all the balloons that are available to the persons seeking the services offered by the flight school.

NPA 2008-17 also suggests that LPL (B) and BPL certificate holders should perform a PC every six years which means that many more PC:s will need to be performed by the flight school than is the case today. This means that **all** certificate holders in Sweden will need to be able to use the services offered by SBF flight school and that **all** the balloons they might need to use must be listed.

This shows that all Swedish balloons and a lot of balloons registered in other countries as well will need to be listed in accordance with (v). This is not practical and creates a lot of unnecessary paperwork for both the flight school and the governing authority since new balloons will need to be added all the time.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 -  
OR.ATO.110 Personnel requirements**

p. 9-10

comment

43

comment by: *George Knight*

-(a) The HT (CFI) will be elected in most clubs not nominated.

response

*Noted*

Thank you for providing your opinion.

If a certain organisation is "electing" the Head of training before nominating him / her officially, this should not create any problem. In other specific cases there might not be an election before a nomination takes place. The term used "shall be nominated" seems to be the right expression for the action to be initiated by the training organisation and will therefore be kept.

comment	77	comment by: <i>ETPS CI</i>
	<p><b>OR.ATO.110 Personnel requirements</b>  <i>(c) Flight instructors and flight simulation training instructors shall hold the qualifications required by PartFCL for the type of training that they are providing.</i></p> <p><b>Comment 2 :</b> ETPS currently flies and instructs under military regulations. Instructors are rigorously monitored and examined but do not necessarily hold civilian licenses. ETPS would seek either an exemption or an AMC under OR.GEN.020 of this document, i.e. an acceptance of UK MOD regulation equivalence which would lead to ETPS becoming an EASA "accepted flight test training organisation".</p>	
comment	87	comment by: <i>James Carrie</i>
	<p>Should be clearly stated that in the case of small ATO the HT, CFI, Chief Ground Instructor can be the same individual.</p>	
response	<p><i>Noted</i></p> <p>Thank you for providing your input.</p> <p>The Agency would like to highlight that in the case of a training organisation providing training only for the LAPL, PPL, SPL or BPL only the Head of Training is to be nominated. There are no requirements for the chief flying instructor or the TK ground instructors. This means that in such an ATO one person acting as HT could also take over also the other functions if needed.</p> <p>For the ATOs providing training for the other licences please see the comments provided to OR.ATO.210 and the related AMC material.</p>	
comment	103	comment by: <i>DC-AL</i>
	<p>There seems to be no requirement for the Head of Training or CFI of an ATO which only trains for the PPL to hold specific qualifications. Even for PPL training, at least one of them (probably the same person but not necessarily) should be qualified to teach and have experience of teaching the training course. I suggest that the requirement for a CFI in ATO.210 should be included here, perhaps with the mention that he can also be head of training.</p>	
comment	124	comment by: <i>DCA Malta</i>
	<p><b>OR.ATO.110(a)</b>  Amend to have 'A Head of Training (HT) <b>acceptable to the competent authority</b> shall be nominated'.</p>	
comment	701	comment by: <i>DGAC FRANCE</i>
	<p><b>OR ATO 110</b></p> <p>Add at the end of the paragraph (a) : <b><u>"and the training program established by the ATO."</u></b></p>	

comment 808 comment by: ENAC TLP  
 (a) A head of training (HT) ... add "acceptable to the authority"

comment 878 comment by: Boeing  
 OR.ATO.110  
 Para (b)  
 Page 9  
 Add “/or” after “appropriate knowledge and...” so that the text reads as follows:  
 “(b) Theoretical knowledge ground instructors shall have appropriate knowledge **and/or** experience in aviation.  
**JUSTIFICATION:** ATOs currently have many highly qualified ground instructors who know the aircraft and are qualified to teach ground school. There is no safety issue with qualifying a ground instructor who has no previous aviation background.

comment 879 comment by: Boeing  
 OR.ATO.110  
 Para (b)  
 page 9  
 It is not clear what is considered “appropriate knowledge” for theoretical knowledge ground instructors, or (2) how their capacity to teach it is proven We request that the text be revised to add clarification of these issues.  
**JUSTIFICATION:** Further clarification is needed to avoid subjective interpretation by competent authorities.

comment 880 comment by: Boeing  
 OR.ATO.110  
 Para (c)  
 Page 10  
 We would agree with this proposed requirement if Boeing’s comments submitted to NPA 2008-17b, Part-FCL, paragraph FCL.900, “Instructor Certificates,” are accepted, and the requirements are revised to include licenses issued in accordance with ICAO Annex 1 or equivalent ICAO Member State instructor authority.  
 [NOTE: Our comments to NPA 2008-17b requested that a new subparagraph FCL.900(a)(1)(iii) be added that states:  
 “(iii) or is an instructor employed by a manufacturer or a manufacturer’s ATO, in which case an ICAO-accepted license, type rating, and instructor authorization is required without further satisfying (i) and (ii).”]  
**JUSTIFICATION:** As written, the proposal will be too restrictive to ATOs, as the quality of the simulator instructor for type ratings is not dependent on the

country of license issue, but rather the knowledge specific to the aircraft type being taught and the instructional ability of the individual.

comment 1045 comment by: *Fédération Française Aéronautique*

OR ATO 110 (c)

FFA recommends changing the word "qualifications" into the word "certificates", to be in compliance with the Part FCL terminology.

comment 1159 comment by: *Dassault Aviation*

OR ATO 110

We suggest to add :

(b) A person or group of persons shall be nominated with the responsibility of Change management process and Change notification processes

(c) A person shall be nominated with the responsibility of the Standardization processes

(b) becomes (d)

(c) becomes (e)

At the end of the paragraph "*Theoretical knowledge ground instructors shall have appropriate knowledge and experience in aviation*", we propose to add "and receive a standardized training, including efficient and pedagogical use of all training material"

### **Explanation**

An initial course being approved, it is paramount that:

- An efficient standardization control process be in place to ensure that a same course is being taught in the same manner by the different instructors in the different centers,
- An efficient Change Management Process be in place to maintain the course up-to-date in flow with aircraft, documentation or regulatory relevant evolutions,
- An approved Change Notification Process be in place with agreed criteria defining
  - When the authority must be informed of changes
  - When a new approval of the course from the authority should be expected

Additionally, in order for the instructors to deliver efficiently the approved training, they should have pedagogical knowledge and know how to efficiently use the training materials (slides, FFS, CPT or other material)

comment 1325 comment by: *Irish Aviation Authority*

The head of training should be acceptable to the CA. (a) should therefore read:

(a) A Head of Training (HT), acceptable to the competent authority, shall be nominated.

response	<p>DCr 270509</p> <p><i>Not accepted</i></p> <p>Thank you for providing your opinion.</p> <p>Please see the response already provided to comment No. 124 (DCA Malta).</p>
comment	<p>1716 <span style="float: right;">comment by: <i>Baden-Württembergischer Luftfahrtverband</i></span></p> <p>OR.ATO.110(a)</p> <p><b>Wording in the NPA</b></p> <p>(a) A Head of Training (HT) shall be nominated. The HT's responsibilities shall include ensuring that the training provided is in compliance with PartFCL requirements.</p> <p><b>Our proposal</b></p> <p><b>Change:</b></p> <p>(a) A Head of Training (HT) <b>and optionally additional members of a head of training team</b> shall be nominated. The HT's responsibilities shall include ensuring that the training provided is in compliance with PartFCL requirements.</p> <p><b>Issue with current wording</b></p> <p>In case of training courses on multiple type of aircraft there may be a second level of head of training for the different types of training.</p> <p><b>Rationale</b></p> <p>If multiple courses on different categories of aircraft are offered then there may be a second level of heads of training responsible for these different courses. These should have the option to handle the required formalities for their area of responsibility directly with the competent authority and should therefore also be nominated.</p>
comment	<p>1732 <span style="float: right;">comment by: <i>CAE</i></span></p> <p>OR.ATO.110(b) Page 9</p> <p>Change "appropriate knowledge and experience" to "appropriate knowledge and/or experience".</p> <p>ATOs currently have many highly qualified ground instructors who know the aircraft and are qualified to teach ground school. There is no safety issue with qualifying a ground instructor who has no previous aviation background.</p>
comment	<p>1733 <span style="float: right;">comment by: <i>CAE</i></span></p> <p>OR.ATO.110(c) Page 10</p> <p>This is accepted if the requirements are altered to include licenses issued in accordance with ICAO Annex 1 or equivalent ICAO member state instructor authority as identified in comments posted to Part FCL900(b)(3).</p> <p>This will be too restrictive to organizations as the quality of the simulator instructor for type ratings is not dependent upon the country of license issue but rather the knowledge specific to the aircraft type being taught and the instructional ability of the individual.</p>

comment 1756 comment by: *Aero-Club of Switzerland*

To (b): Please replace the term "ground instructor" by something else:

Proposal: Just call them "instructors" or "lecturers" or "teachers"

Justification: There are always duties or topics to be instructed on ground by flight instructors. A strict differentiation is not necessary

comment 2126 comment by: *CAA Norway*

OR.ATO.110(a)

There should be provision that the Head of Training should be acceptable to the authority.

comment 2304 comment by: *Deutscher Aero Club Landesverband Niedersachsen*

**Wording in the NPA**

(a) A Head of Training (HT) shall be nominated. The HT's responsibilities shall include ensuring that the training provided is in compliance with PartFCL requirements.

**Our proposal**

(a) A Head of Training (HT) **and optionally additional members of a head of training team** shall be nominated. The HT's responsibilities shall include ensuring that the training provided is in compliance with PartFCL requirements.

**Issue with current wording**

In case of performance of training courses on multiple types of aircraft there may be a second level of head of training necessary for the different types of training.

**Rationale**

If multiple courses on different categories of aircraft are offered then there may be a second level of heads of training responsible for these different courses. They should have the option to handle the required formalities for their area of responsibility directly with the competent authority and should therefore also be nominated.

comment 2391 comment by: *FlightSafety International*

Flight instructors and flight simulation training instructors seeking to instruct for a Part FCL license shall hold at least at least the license and ratings issued in accordance with ICAO annex I required by the respective non-EASA state for the instruction to be given; comply with experience requirements \_\_\_\_; have completed as a Type rating instructor at least 100hours of flight or simulator instruction time; validity period of the authorization will not exceed 3 years; complied with revalidation requirements of Part FCL.

There is no safety issue with the current situation and type training should not depend on the instructor or the examiner from having a EASA issued licence.

This is accepted if the comments specified for Part FCL 900(b)(3) are accepted

and the requirements are altered to include licences issued in accordance with ICAO Annex 1 or equivalent ICAO member state instructor authority as identified in comments posted (to Part FCL).

This will be too restrictive to organizations as the quality of the simulator instructor for type ratings is not dependent upon the country of licence issue but rather the knowledge specific to the aircraft type being taught and the instructional ability of the individual.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 -  
OR.ATO.120 Record keeping**

p. 10

comment 44

comment by: *George Knight*

-(a) The requirements here are appropriate to ATOs training for professional licences. It is disproportionate for ATOs training for recreational licences. For example gliding clubs give trial lessons to many students over a year. Less than 5% will continue their training to solo standard – even fewer will ever attain a licence. Being required to keep the proposed records for all these dropouts for 5 years is an unreasonable burden.

The normal practice at a gliding clubs, which works really well, is to issue each student with a Log Book and a Progress Card that lists all the exercises in the syllabus. These documents are completed/updated at the end of each training detail and retained by the student. Because a gliding instructor will usually start the detail with the next student without leaving the launch-point these documents are frequently updated out on the airfield – not in an office. This approach works particularly well whilst training students on winch launch failures where each flight is a series may last only a minute or so.

The above mean that an instructor may teach multiple students in a session without returning to an office. Attempting to maintain the detailed records proposed in club documents at the launch-point of a windy airfield is not sensible. For small ATOs the instructor should be permitted to update records that are retained by the student. For non-professional gliding licences the student should be responsible for looking after the records – not the club (ATO).

For students the club need only keep records of:

- Each flight that has taken place, crew, launch method and duration.
- Results of students' examinations and assessments.
- Licences and medical certificates held with expiry dates.

comment 335

comment by: *UK CAA*

**Page No:**  
10 of 83

**Paragraph No:** OR.ATO.120 (b)

**Comment:**

The requirements listed in (b)(3) which defines records to be kept are open to interpretation to mean as little as simply the evaluation reports, which is

inadequate to determine the status of a device or provide useful history. It would be beneficial to require retention of Compliance Monitoring System records (e.g. defect rectification, regular QTG runs) specific to the FSTDs.

**Justification:**

The ongoing status records form an important element of record keeping for a simulator allowing, for example, an assessment of stability when considering allowing recurrences to be undertaken by the simulator operator and providing evidence of improvement or degradation in performance which is required to be monitored by the CMS.

**Proposed Text (if applicable):**

1. Add new item OR.ATO.120 (b)(4)

(4) Compliance Monitoring System Records defining the current status of each FSTD

2. Add new AMC to OR.ATO.120 (b)

The compliance monitoring records should include as a minimum, the following:

- a) The Master QTG
- b) The regular QTG objective test runs and Function and subjective flyout results
- c) The defect reports, investigation records and closure actions
- d) Records defining the ongoing configuration of each FSTD

comment

430

comment by: *FlightSafety International*

**Comment:** The requirement to keep the named records "for as long as the FSTD is in use" is an increase in requirements from the current FSTD A requirement to keep the same records for 5 years

**Proposal:** Change the requirement to state "the following records shall be kept for a minimum of 5 years:"

**Impact to FlightSafety:** The increased burden of maintaining these records for as long as the FSTD is in use could require records storage for 20 or more years, resulting in a huge financial burden and environmental impact.

comment

697

comment by: *Maarten*

(b) (2) ; ".....evaluations are due....." Does a flying club need a fixed FSTD schedule for evaluations? Unworkable with private pilots and in a flying club. So scrap.

comment

1047

comment by: *Fédération Française Aéronautique*

OR ATO 120 (a)

FFA understands the need for keeping records but requests that, for "Very small" (see our proposed definition in the FFA comment on NPA page 1 above) and "Small" ATOs, and to avoid unnecessary burden, the period extends two years (instead of five) after the completion of the student's training or the student's departure.

- comment 1050 comment by: *Fédération Française Aéronautique*
- OR ATO 120 (a) (3)  
FFA disagrees with this rule, requiring the ATOs to keep records related to the students' medical certificates.
- The rule is not consistent with Part FCL which clearly distinguishes ATOs and AeMCs.  
Data relevant to medical are not relevant to ATOs. So, FFA requests to delete the words "including the expiry dates of medical certificates and ratings".
- comment 1051 comment by: *Fédération Française Aéronautique*
- OR ATO 120 (a) (3)  
FFA suggests changing the word "qualifications" into the words "ratings, certificates and qualifications" so as to comply with the Part FCL."
- comment 1717 comment by: *Baden-Württembergischer Luftfahrtverband*
- OR.ATO.120(a)  
**Wording in the NPA**  
(a) The following records shall be kept for a period of at least 5 years:  
(1) details of ground, flying, and simulated flight training given to individual students;  
(2) detailed and regular progress reports from instructors including assessments, and regular progress flight tests and ground examinations
- Our proposal**  
**Change:**  
(1) progress report as specified in the approved training programme (see OR.ATO.125) including completed training units and assessments.  
(2) <delete>
- Issue with current wording**  
Too much repeated or unnecessary documentation
- Rationale**  
The documentation should be aim oriented and not repeat else ware documented information. Flights are already documented in the various log books, there is no need to repeat this information. Important is to keep track of the progress of the student. For each course a training plan exists this can be used appropriately formatted to document the students progress. This should be sufficient documentation. The detail should correspond to the complexity of the course. An example is the form to document the training and examination for a class rating. This should be sufficient documentation for this course.
- comment 1995 comment by: *CAA Belgium*
- (a)  
"...for a period of at least 5 years:"  
from when ?

comment 2160 comment by: *CAA Finland*  
 Amend. It is not clear at which point the time period begins.  
 at least 5 years **after the training was completed or cancelled:**

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 -  
 OR.ATO.125 Training programme**

p. 10

comment 45 comment by: *George Knight*  
 -(a) Suggest that an ATO should be permitted to use a published syllabus and not have to develop its own.

comment 88 comment by: *James Carrie*  
 Why is it necessary for each ATO to develop their own training program. Why does EASA not just publish the syllabus?

comment 127 comment by: *DCA Malta*  
**OR.ATO.125**  
 Add requirement for the training programme to be approved by the competent authority.

comment 220 comment by: *ECA- European Cockpit Association*  
 References to PART-21 were found many times in the document without explanation of what Part-21 means exactly. Nowadays, Part 21 does not contain anything related to these cross-references, as the 21.039 WG has not finished the rulemaking task yet. Therefore, ECA cannot agree on a text that leaves to or refers to requirements that currently are not in the regulation, as this then means the requirement is none. Unless Part 21 is finished with clear cross-references, any license related requirement should stay in Part FCL.

comment 223 comment by: *ECA- European Cockpit Association*  
 Comment on paragraph (a):  
 (a) A training programme shall be developed for each type of course offered.  
 The text "a training programme shall be developed" is unclear. EASA should provide sample syllabuses for ATOs to follow.

comment 287 comment by: *Susana Nogueira*  
 insert a paragraph (c)  
 (c) All training programmes shall be approved by the competent authority

comment 795 comment by: *AEA*  
**Relevant text:**  
 (a) A training programme shall be developed for each type of course offered.

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

Paragraph b) and FCL 725 a) have the same meaning

**Proposal:**

Delete OR.ATO.125 b)  
or the FCL part

comment

796

comment by: AEA

**Relevant text:**

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment

1018

comment by: Irish Aviation Authority

So that each CA can have continuing oversight, (c) should be added:

(c) All training programmes shall be approved by the CA.

dcR 250509

comment

1067

comment by: CAA Belgium

(a)

Proposal: Add the following words to this paragraph: "and shall be approved by the Competent Authority."

Reason: Training programmes must be approved.

comment 1163 comment by: Dassault Aviation

We suggest to add c):

- The training shall be kept up to date in compliance and in flow with aircraft, documentation and regulatory relevant changes

**Explanation**

An initial course being approved, it is paramount that:

- An efficient standardization control process be in place to ensure that a same course is being taught in the same manner by the different instructors in the different centers,
- An efficient Change Management Process be in place to maintain the course up-to-date in flow with aircraft, documentation or regulatory relevant evolutions,
- An approved Change Notification Process be in place with agreed criteria defining
  - When the authority must be informed of changes
  - When a new approval of the course from the authority should be expected

comment 1194 comment by: DCAA

(a) should read:

(a) A training programme shall be developed **and approved by the competent authority** for each type of course offered.

comment 1339 comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 - OR.ATO.125 Training programme

**Relevant text:**

(a) A training programme shall be developed for each type of course offered.

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

Paragraph b) and FCL 725 a) have the same meaning

**Proposal:**

Delete OR.ATO.125 b)

comment 1340 comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 - OR.ATO.125 Training programme

**Relevant text:**

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment 1375

comment by: KLM

**Relevant text:**

- (a) A training programme shall be developed for each type of course offered.
- (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

Paragraph b) and FCL 725 a) have the same meaning

**Proposal:**

Delete OR.ATO.125 b)

comment 1376

comment by: KLM

**Relevant text:**

- (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a

simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment 1504

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

(a) A training programme shall be developed for each type of course offered.  
 (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

Sub-para b) and FCL.725 a) have exactly the same meaning. This is in contradiction with EASA's claim that no rule must be duplicated ! Under no circumstances ! Never !

**Proposal:**

Delete OR.ATO.125 b)

comment 1506

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus.

**Proposal:**

Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment 1599

comment by: *bmi*

**Relevant text:**

- (a) A training programme shall be developed for each type of course offered.  
 (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

Comment: Paragraph b) and FCL 725 a) have the same meaning

Proposal: Delete OR.ATO.125 b)

comment

1600

comment by: bmi

**Relevant text:**

- (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment

1654

comment by: CAA CZ

OR.ATO.125 (b), page 10

It is needed to specify more in detail where "Training Syllabus" for type training of pilots in Part 21 could be find.

comment

1837

comment by: International Air Transport Association (IATA)

**Relevant text:**

- (a) A training programme shall be developed for each type of course offered.  
 (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

Paragraph b) and FCL 725 a) have the same meaning

**Proposal:**

Delete OR.ATO.125 b)

comment 1838 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment 1852 comment by: *AIR FRANCE*

**Relevant text:**

(a) A training programme shall be developed for each type of course offered.  
(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

**Comment:**

Paragraph b) and FCL 725 a) have the same meaning

**Proposal:**

Delete OR.ATO.125 b)

comment 1864 comment by: *AIR FRANCE*

**Relevant text:**

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part 21.

**Comment:**

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and

financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment

1959

comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

(a) A training programme shall be developed for each type of course offered.  
 (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

Comment: Paragraph b) and FCL 725 a) have the same meaning

Proposal: Delete OR.ATO.125 b)

comment

1961

comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

Comment:

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment 1984 comment by: *Virgin Atlantic Airways*

**Relevant text:**

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

Comment:

EASA do not appear to have considered that this regulation will mean the currently CA approved training syllabi of some TC's would cease to be acceptable. We do not believe that EASA intends to inflict unnessesary costs on those affected TC holders, who by the introduction of this regulation, would be unjustly penalised.

We therefore request that the reference to Part 21 is removed and placed in an AMC.

comment 2033 comment by: *TNT Airways*

Relevant text:

(b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

Comment:

It could happen that the training syllabus of the TC-holder is different than the one currently used by the training organisation and which is approved. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant workload for both ATO and competent authorities and financial burden with no added safety value.

Training programmes need, for safety and efficiency reasons, be adaptable to the operations. Sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders. Furthermore, it is unclear at this moment which requirements will be applicable to the TC-holder with regard to the training syllabus. Proposal:  
Delete reference to Part 21 from the implementing rules.

comment 2062 comment by: *ERA*

There is a possibility that the training syllabus of the TC holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual.  
Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the

JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance

comment

2086

comment by: Airbus

NPA 2009-01, on Operational Suitability Certificate, proposes a requirement for OEMs, under Part 21 Subpart C, to provide the minimum training syllabus. If this requirement is adopted, OR. ATO.125(b) should more clearly make reference to the Operational Suitability Certificate.

**Proposed wording:**

(b) In the case of type rating courses, the training programme shall be based on the training syllabi for the aircraft type as defined in the Operational Suitability certificate issued in accordance with Part 21.

comment

2127

comment by: CAA Norway

OR.ATO.125

The training programme(s) should be approved by the competent authority.

comment

2152

comment by: DGAC FRANCE

**OR.ATO.125 Training programme**

Comment :

DGAC france is currently reviewing the NPA2009-01 on the OSC concept and its implication. It raises questions on what is applicable for the end users, i.e. training organisation, operators, maintenance organisations for all aspects of OSC.

The expression "shall be based on" is raising the question of which flexibility is allowed or which interpretation of OSC contents will be possible. None of us have yet the knowledge of what will be the typical contents of the OSC, the CS associated to the OSC. Currently, some OSC parts such as MMEL is very formalized for large aircraft and we do not expect difficulties. But the subject for smaller aircraft used for general aviation is different. Therefore, DGAC France is cautious about the constraints that are going to be put on all type of aircraft by such rules. Certainly, this question will be widely discussed again for all matters within NPA 2009-01. NPA2009-02, previous NPA 2008-17 would be as well impacted.

Therefore we propose a different wording which seems less restrictive to us. Certainly, a similar wording should be retained for all matters in the various implementing rules.

**We propose the following change :**

(b) In the case of type rating courses, the training programme ~~shall be based on~~ **is developed using** the training syllabus for the aircraft type ~~as approved~~ **as established** in accordance with Part 21.

comment	2162	comment by: <i>CAA Finland</i>
<p>Amend. The status of training program shall be clear. It is essential that the amount of training and basic structure of the training needs acceptance. Instead of that it is impossible for the authority to know for example the gliding characteristics of all types of aeroplanes after simulated engine failure 50-100 ft AGL. The ATO has the deepest knowledge on the type that is used.</p> <p>(c) The basic structure and amount of training shall be accepted by the authority. The individual training exercises shall be acceptable to the authority.</p>		
comment	2186	comment by: <i>Icelandair</i>
<p><b>Relevant text:</b>  (a) A training programme shall be developed for each type of course offered.  (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.</p> <p><b>Comment:</b>  Paragraph b) and FCL 725 a) have the same meaning</p> <p><b>Proposal:</b>  Delete OR.ATO.125 b)</p>		
comment	2187	comment by: <i>Icelandair</i>
<p><b>Relevant text:</b>  (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved <u>in accordance with Part21</u>.</p> <p><b>Comment:</b>  There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.</p> <p>Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster</p> <p>Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance</p>		
comment	2363	comment by: <i>FINNAIR</i>

Relevant text:

- (a) A training programme shall be developed for each type of course offered.  
 (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

Comment: Paragraph b) and FCL 725 a) have the same meaning

Proposal: Delete OR.ATO.125 b)

comment

2364

comment by: FINNAIR

Relevant text:

- (b) In the case of type rating courses, the training programme shall be based on the training syllabus for the aircraft type as approved in accordance with Part21.

Comment:

There is a possibility that the training syllabus of the TC-holder is completely different than the one currently used, and which is CA approved, by the training organisation. As a consequence the complete type rating training must be changed. This must be avoided as it will lead to a significant change (and financial burden) with no added safety value. The EASA change in approach must not be made subordinate to the current practices.

Training programmes need - for safety and efficiency reasons - be adaptable to the operations and individual. Therefore sufficient flexibility should be kept to allow for different (type) training programmes than those developed by the TC holders and without imposing complicated processes and administrative burden which would also require EASA to hire a lot of administrative staff to deal with unnecessary paperwork. The aim of the EU legislator was to have a simple transfer of the JOEB, not to create an administrative monster

Furthermore, it is unclear at this moment which (minimum) requirements will be applicable to the TC-holder with regard to the training syllabus. Delete reference to Part 21 from the implementing rules and put it in Acceptable Means of Compliance.

comment

2367

comment by: FAA

**OR.ATO.125 Training programme (b)** Does the reference to Part 21 refer to the training program contained in the OSC? If so, neither the OR.ATO nor the AMC material directly state that the OSC is the source document for the development of the training program.

**Recommendation:** A specific reference to the use of the OSC as the source document for the development of the operator's training program and syllabus should be made in the OR.ATO and AMC material.

comment

250

comment by: RAeS ICFO

To facilitate the adoption future ICAO criteria for FSTDs the use of specific description for types of training devices should be avoided in this section.

para (b) is very specific and therefore should be moved to an AMC to AR.ATO.125

comment 288 comment by: *Susana Nogueira*  
 (b) Change 'helicopter' by 'aircraft'  
 What is the reason to limit this credit only for helicopters?

comment 336 comment by: *UK CAA*  
**Page No:**  
 10 of 83  
**Paragraph No:** OR.ATO.130(b)  
**Comment:** It is not easy to determine the intent of this paragraph, particularly as the term 'flight simulator' is not defined in the implementing rules. Also, the significance of 'visual' training is not understood.  
**Justification:** Clarification  
**Proposed Text (if applicable):**  
 If a full flight simulator is used for training that represents a different type from the helicopter that is used for the skill test, the maximum credit shall be limited to that allocated for an FNPTII/III in the relevant flight training programme".

comment 702 comment by: *DGAC FRANCE*  
**OR ATO 130**  
 paragraph (b) : the word "helicopter" should be replaced with the word "aircraft"

comment 788 comment by: *David COURT*  
 An ATO for balloons does not normally provide a fleet of aircraft in the same way that a gliding school or fixed wing training organisation does.

comment 1019 comment by: *Irish Aviation Authority*  
 1. Suggest that under (b) 'helicopter' is replaced by 'aircraft' otherwise the scope of this paragraph will be lost.  
 2. A third paragraph (c) should be added to include the requirement for a FSTD User Approval. See CSFSTD(A) BOOK 1

**SUBPART B TERMINOLOGY**  
**CS-FSTD(A).200 Terminology**

**(g)**

***Flight Simulation Training Device User Approval (FSTD User Approval).***

This is alluded to in OR.ATO.300 General (b).

DCr 250509

comment 1068 comment by: CAA Belgium

(b)

Proposal: Change the word "helicopter" by the word "aircraft".

comment 1195 comment by: DCAA

(b) the word helicopter changed to aircraft.

The requirement is also valid for aeroplane.

comment 2087 comment by: CAE

suggest to add words "suitably qualified" just before FSTDs

comment 2129 comment by: CAA Norway

OR.ATO.130(b)

Why is this limited to helicopters? We assume the word "helicopter" should be changed to "aircraft"

comment 2256 comment by: CAE

FNPT II/III is used in various places through this part, however only FNPT I, II and II MCC standards are applicable.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 -  
 OR.ATO.135 Aerodromes**

p. 10

comment 85 comment by: phil mathews

OR.ATO.135 Any suitable airfield should be available for flying training, not just licensed airfields. Also legislation should not limit flying training to airfields equipped with radio. There should be scope for students to experience a non-radio environment.

comment 89 comment by: James Carrie

Why is there a requirement to conduct flight training at an aerodrome?

Theoretical Knowledge can be taught anywhere? Flight Instructors should be allowed to teach in colleges, universities, hotel rooms or anywhere with adequate facilities,... private room in a pub!

comment 222 comment by: *ECA- European Cockpit Association*

Comment: change paragraph as follows:

**When providing flight training, an** ATO shall use aerodromes or operating sites that have the appropriate facilities and characteristics to allow training of the manoeuvres relevant, taking into account the training provided and the category and type of aircraft used.

Justification:

The proposed text clarifies the text. An ATO providing only simulator or theoretical knowledge training shall not be required to operate on an aerodrome or operational site.

comment 682 comment by: *Aero-Club of Switzerland*

We fully agree: "...the appropriate facilities...", but we fully disagree with what you ask for later: ATC services need not to be in place in all cases as you want them to be in the AMC to OR.ATO.135 1.d.

Justification: The Agency is fully right if it thinks of ATPL/CPL/IR, but to have ATC services in place for LPL/PPL/BPL/SPL and so on this requirement need not to be fulfilled.

comment 698 comment by: *Maarten*

What are "...appropriate facilities and characteristics....".....".....to allow training of manoeuvres relevant.....". Definitions completely unclear. Has there to be a coffee machine, outside ashtrays? Unclear definitions are a reason for Authority to stop flying for unclear reasons. The only request could be that there is a runway. Unclear, so scrap.

comment 812 comment by: *Light Aircraft Association UK*

The LAA notes that this requirement does not proscribe the use of licensed aerodromes. The LAA considers this to be a positive move.

comment 1049 comment by: *European Gliding Union (EGU)*

AMC OR.ATO.135 Aerodromes

Again, this can only apply to commercially operating sides. Our clubs operate from sides owned by themselves or rented. The sides are often grass strips or very short concrete runways which according to the new European legislation do not fall under EASA regulation.

The requirement under d) to have an air traffic control service, is completely missing the point of training VFR pilots for GA and air sports activities.

Recommendation: delete this requirement.

- comment 1053 comment by: *Fédération Française Aéronautique*  
 FFA understands the need for using appropriate aerodromes, but fully disagrees with the *AMC to this rule*, which requires that all the facilities should be available on all aerodromes used for the training and at all times. (See FFA comment on "AMC to OR.ATO.135", NPA page 48)
- comment 1784 comment by: *Swiss Power Flight Union*  
 We are fully disagree with what you ask for later: ATC services need not to be in place in all cases as you want them to be in the AMC to OR.ATO.135 1.d.
- comment 2066 comment by: *Avinor AS*  
 The spesification of aerodrome facilities under this item seems incidental and may have more relevance in aerodrome specific regulations since such activities fall under the responsibility og the accountable airport manager.
- comment 2291 comment by: *Light Aircraft Association of the Czech Republic*  
 Requirements stated in the AMC to OR.ATO.135 1(d) which require air traffic control service at the home base aerodrome are not acceptable for training organisations for LPL.  
 The requirement would in practice make most of todays flight training impossible in the mentioned licence categories.  
 Proposal:  
 remove requirement 1d from AMC.  
 If necessary add  
 4. Air traffic control requirements to be considered

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 - OR.ATO.140 Pre-requisites for training**

p. 10

- comment 221 comment by: *ECA- European Cockpit Association*  
 Comment: change text as follows:  
**(a) The approved training organisation shall establish entrance requirements for students in their procedures. The entrance requirements shall ensure that the students have enough knowledge, particularly of physics and mathematics, to be able to follow the courses.**  
**(b) The** ~~An~~ The ATO shall ensure that the students meet all the prerequisites for training established in Part-FCL.  
 Justification:  
 This requirement from JAA has been taken out of the entry requirements for the professional courses for pilot's licenses. It was in the FCL.001 proposal, and there is no safety justification to delete it.  
 Not only that EASA does not take into account the IFALPA policies based on best practices and safety standards, for the selection of candidates for pilot training (which were given to the Agency by ECA on the drafting period), but it

also doesn't take its own expert group proposals by deleting the only requirement that was in the regulation for selection process. This is an unacceptable proposal, as any training program must be based on the characteristics of the population to be trained. Not taking into account who we are going to trained, or based on the training program, not selecting the candidates that will fit the program will lead to failures to pass/end the training. With this, an economical assessment on the individuals economy waste must be done, or a "below the standards" outcome may be expected, just because no entry requirements are set.

comment 1655

comment by: CAA CZ

OR.ATO.140, page 10

We recommend to add also "Part Medical":

An ATO shall ensure that the students meet all the pre-requisites for training established in Part FCL **and in Part Medical**.

comment 2090

comment by: Airbus

NPA 2009-01, on Operational Suitability Certificate, proposes a requirement for OEMs, under Part 21 Subpart C, to provide the minimum training syllabus. If this requirement is adopted, OR. ATO.140 should in addition make reference to possible pre-requisites established in the training syllabus issued under the Operational Suitability Certificate.

**Proposed wording:**

An ATO shall ensure that the students meet all the pre-requisites for training established in Part FCL, and the ones associated to the training syllabi as defined in the Operational Suitability Certificate issued under Part 21 if applicable.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 - OR.ATO.145 Training outside Member States**

p. 10

comment 92

comment by: OAA Oxford

Add (c) Instruction may only be given under the direct control of A CFI(A) or nominated deputy holding an EU FCL licence and instructor rating, who is to be present when training is given by authorised FIs, not licensed under this part, outside Member States

comment 800

comment by: AEA

**Comment:**

Why is this requirement not in Part FCL subpart G (IR)?

**Proposal:**

Add in b) **INITIAL** instrument rating skill test (single pilot)

comment 801

comment by: AEA

**Relevant text:**

When an ATO is approved to provide training outside the territory of the Member States:

(b) the instrument rating skill test shall be taken in one of the Member States.

**Comment:**

The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.

Note: a lot of operators have their flying schools and FTD's located outside the EU member states.

comment

881

comment by: Boeing

OR.ATO.145

Para (b)

page 10

We request that EASA delete the requirement stated in paragraph (b) as it is too limiting. The ATO will be approved, as well as its staff of management and instructors, examiners, FSTDs, and airplanes; therefore, the instrument rating skill test should be allowed to be taken at the outside ATO.

**JUSTIFICATION:** Taking this particular test only in the territory of a Member State does not add safety; it only adds money, time, and confusion for both ATOs and applicants.

comment

1240

comment by: Swiss International Airlines / Bruno Pfister

Comment:

Why is this requirement not in Part FCL subpart G (IR)?

Proposal:

Add in b)

INITIAL instrument rating skill test (single pilot)

comment

1241

comment by: Swiss International Airlines / Bruno Pfister

Relevant text:

When an ATO is approved to provide training outside the territory of the Member States:

(b) the instrument rating skill test shall be taken in one of the Member States.

**Comment:**

The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.

Note: a lot of operators have their flying schools and FTD's located outside the EU member states.

**Proposal:**

The location of the instrument rating skill test should not be prescribed.

comment

1342

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 - OR.ATO.145 Training outside Member States

**Comment:**

Why is this requirement not in Part FCL subpart G (IR)?

**Proposal:**

Add in b) **INITIAL** instrument rating skill test (single pilot)

comment

1344

comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 1 - OR.ATO.145 Training outside Member States

**Relevant text:**

When an ATO is approved to provide training outside the territory of the Member States:

(b) the instrument rating skill test shall be taken in one of the Member States.

**Comment:**

The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.

Note: a lot of operators have their flying schools and FTD's located outside the EU member states.

comment

1377

comment by: *KLM*

**Comment:**

Why is this requirement not in Part FCL subpart G (IR)?

**Proposal:**

Add in b) **INITIAL** instrument rating skill test (single pilot)

comment

1378

comment by: *KLM*

**Relevant text:**

When an ATO is approved to provide training outside the territory of the Member States:

(b) the instrument rating skill test shall be taken in one of the Member States.

**Comment:**

The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.

Note: a lot of operators have their flying schools and FTD's located outside the EU member states.

comment

1510

comment by: *Deutsche Lufthansa AG*

**Comment:**

Why is this requirement not in Part FCL subpart G (IR)?

**Proposal:**

Add in b) **INITIAL** instrument rating skill test (single pilot)

comment

1527

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

When an ATO is approved to provide training outside the territory of the Member States:  
(b) the instrument rating skill test shall be taken in one of the Member States.

**Comment:**

The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.

Note: a lot of operators have their flying schools and FTD's located outside the EU member states.

**Proposal:**

The location of the instrument rating skill test should not be prescribed.

comment 1601

comment by: *bmi***Proposal:**

Add in b) **INITIAL** instrument rating skill test (single pilot)

Why is this requirement not in Part FCL subpart G (IR)?

comment 1602

comment by: *bmi***Relevant text:**

When an ATO is approved to provide training outside the territory of the Member States:

(b) the instrument rating skill test shall be taken in one of the Member States.

Comment: The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.

Note: a lot of operators have their flying schools and FTD's located outside the member states.

comment 1729

comment by: *CAE*

OR.ATO.145 (b) page 10

Taking this particular test in the territory of a Member State does not increase safety, and adds money, time and confusion for both ATO's and applicants. Please delete this requirement.

comment 1839

comment by: *International Air Transport Association (IATA)***Comment:**

Why is this requirement not in Part FCL subpart G (IR)?

**Proposal:**

Add in b) **INITIAL** instrument rating skill test (single pilot)

comment 1841

comment by: *International Air Transport Association (IATA)***Relevant text:**

When an ATO is approved to provide training outside the territory of the Member States:

(b) the instrument rating skill test shall be taken in one of the Member States.

**Comment:**

The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.

Note: a lot of operators have their flying schools and FTD's located outside the EU member states.

comment

1866

comment by: AIR FRANCE

**Comment:**

Why is this requirement not in Part FCL subpart G (IR)?

**Proposal:**

Add in b) **INITIAL** instrument rating skill test (single pilot).

comment

1991

comment by: Virgin Atlantic Airways

**Relevant text:**

When an ATO is approved to provide training outside the territory of the Member States:

(b) the instrument rating skill test shall be taken in one of the Member States.

**Comment:**

EASA needs to justify this requirement. Is it the intention of EASA to penalise operators who have their flying schools and FTD's located outside the EU member states?

comment

2001

comment by: CAA Belgium

(b)

Proposal: Replace "...shall be taken in one of the MS." by "shall be taken in the state of issue of the licence."

Reason: Training in U.S. and test in Spain for a Belgian licence is not helpful.

comment

2038

comment by: TNT Airways

(b) the instrument rating skill test shall be taken in one of the Member States.

**Comment:**

We don't see the added value in safety for this requirement and it leads to unnecessary financial consequences.

comment

2064

comment by: ERA

Why is this requirement not in Part FCL subpart G (IR)?

comment

2188

comment by: CAA Finland

New paragraph. In JAR-FCL it has been unclear how to proceed when an ATO wishes to have additional training site in other member state.

OR.ATO.145 Training outside **a Member State or all** Member States

**(a)** When an ATO is approved to provide training outside the territory of the Member States:  
~~(a)~~ **(1)** the training programme shall include acclimatisation flying in one of the Member States, before the instrument rating skill test is taken;  
~~(b)~~ **(2)** the instrument rating skill test shall be taken in one of the Member States.  
**(b) When an ATO is going to provide training in another Member State:**  
**(1) An ATO shall apply from the competent (first) authority**  
**(2) Authorities may agree additional training site in other Member State provided that concerned competent authorities agrees to assist on oversight. The overall responsibility remains in first authority**

comment 2189 comment by: *Icelandair*

**Comment:**  
 Why is this requirement not in Part FCL subpart G (IR)?  
**Proposal:**  
 Add in b) **INITIAL** instrument rating skill test (single pilot)

comment 2190 comment by: *Icelandair*

**Relevant text:**  
 When an ATO is approved to provide training outside the territory of the Member States:  
 (b) the instrument rating skill test shall be taken in one of the Member States.  
**Comment:**  
 The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.  
 Note: a lot of operators have their flying schools and FTD's located outside the EU member states.

comment 2365 comment by: *FINNAIR*

Proposal:  
 Add in b) **INITIAL** instrument rating skill test (single pilot)  
 Why is this requirement not in Part FCL subpart G (IR)?

comment 2366 comment by: *FINNAIR*

When an ATO is approved to provide training outside the territory of the Member States:  
 (b) the instrument rating skill test shall be taken in one of the Member States.  
 Comment: The rationale for this requirement is unclear and leads to unnecessary financial consequences with again no added safety improvement.  
 Note: a lot of operators have their flying schools and FTD's located outside the member states.

comment 2393 comment by: *FlightSafety International*

Instrucment skill test only. Not the type rating skill test.

This requirement is too limiting, as the ATO will be approved, as well as its staff of management and instructors, examiners, FSTD's and airplanes. Please delete this requirement.

Taking this particular test in the territory of a Member Sate does not add a safety issue, and adds money, time and confusion for both ATO's and applicants.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 2**

p. 11

comment 262

comment by: *ECA- European Cockpit Association*

Insert new requirement:

**OR.ATO.200: All Synthetic Training Devices (STD), such as Flight Simulators or Flight Training Devices (FTD), replacing an aeroplane for training and/or checking purposes are to be qualified in accordance with the requirements applicable to synthetic training devices. An ATO intending to use such STD must obtain approval from the Authority.**

Justification:

Paragraph missing. There is no requirement for an ATO to obtain approval of an FSTD (EU-OPS 1.005 d resp JAR-OPS 1.005 e)

comment 290

comment by: *Susana Nogueira*

This section is a mix of JAR-FCL requirements for ATOs and TRTOs.  
Text must be reviewed completely.  
The rule is too binding.  
Some oparts might be placed in AMC

Probably the best solution is to divide, as in JAR-FCL, between FTOs and TRTOs. The requirement are not the same.

comment 1054

comment by: *Fédération Française Aéronautique*

Section 2.

FFA fully supports that the rules concerning ATOs shall be proportionate to the type of activities.

FFA fully supports that the rules contained under this section, shall not be applicable to "Very small ATOs" (see our proposed definition in the FFA comment on NPA page 1 above, namely, ATOs providing training for basic LPL, LPL, PPL, BPL and SPL) and "Small" ATOs.

comment 1056

comment by: *Fédération Française Aéronautique*

Section 2 title :

FFA requests that the words "basic LPL" are inserted in the title of this section after the words "other than".

comment 1312

comment by: *Irish Aviation Authority*

The whole of this section does not seem to take into account what currently happens in a TRTO. In most TRTO's, especially those associated with an airline, there is no requirement for a CFI or CGI.

Many existing Heads of Training in a TRTO have no experience as a flight instructor, but only as a TRI / TRE and is usually a Senior TRE.

Provision should be made for these circumstances.

DCr 270509

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 2 -  
OR.ATO.210 Personnel requirements**

p. 11

comment

79

comment by: *ETPS CI*

AMC 2 to OR.ATO.210 Personnel requirements

1. *Head of Training (HT). The nominated HT should hold or have held in the three years prior to first appointment as an HT, a professional pilot licence and associated ratings issued in accordance with PartFCL, related to the flying training courses conducted.*

2. *Chief Flying Instructor (CFI). The CFI should:*

*(i) hold the highest professional pilot licence and the ratings related to the flying training courses conducted;*

**Comment 4** : ETPS currently flies and instructs under military rules. Instructors are rigorously monitored and examined but do not necessarily hold civilian licenses. ETPS would seek an AMC under OR.GEN.020 of this document, i.e. an acceptance of UK MOD regulation equivalence which would lead to ETPS becoming an EASA "accepted flight test training organisation".

comment

110

comment by: *AECA(SPAIN)*

(a)(2) Replace by:

Posses a sound managerial capability and, if the ATO provide flight instruction, he shall have extensive experience in tarining as flight instructor.

Justification: In the case of ATO providing only theoretical knowledge, the head of tarining not need experience as flight instructor.

comment

111

comment by: *AECA(SPAIN)*

(b) replace by:

An ATO **providing flight instruction** shall nominate a CGI...

Justification: If the ATO provide only tjeoretical knowledge not need CFI.

comment

128

comment by: *DCA Malta*

**OR.ATO.210**

This section has to be reworeded to clarify the different requirements, which are

now clear in JAR-FCL, for what are now FTO, TRTO, and FTO for Theoretical Knowledge only.

In particular:

**OR.ATO.210 (a) (2)**

**Proposal:** Replace 'have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability'

By

'possess a sound managerial capability and if the ATO provides flight instruction he shall have extensive experience in training as a flight instructor'

**Reason:** In the case of an ATO providing only modular theoretical knowledge instruction it is not necessary for the Head of Training to have experience as a flight instructor.

Also: Today a FTO providing modular theoretical instruction only, say for the modular ATPL(A) theory, does not need to have a HT having extensive experience in training as a flight instructor for professional pilot licences, (JAR-FCL Appendix 1a to JAR-FCL 1.055 para 11 states - At FTOs conducting theoretical instruction only, the positions of HT and CGI may be combined. The nominated person shall have a sound managerial capability and shall meet the requirements set out in paragraph 19

'JAR-FCL Appendix 1a to JAR-FCL 1.055 para 19- The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive experience in giving theoretical ground instruction.'

Also:

**OR.ATO.210 (b)**

**Proposal:** Replace 'The ATO shall nominate a CFI '

By

'An ATO providing flight instruction shall nominate a CFI'

**Reason:** If the ATO provides only theoretical instruction there is no need for a CFI.

comment

225

comment by: *ECA- European Cockpit Association*

Comment on paragraph (a)(2):

Add an IR. This is the minimum to have recognition from instructors and a adequate global overview of the training, necessary for this position in an ATO.

comment

226

comment by: *ECA- European Cockpit Association*

Comment on paragraph (b): change text as follows:

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The

CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided **and including IR and MCC when instructed.**

Justification:

IR and MCC trainings are essential milestones for the training of an applicant, so the head of training is required to have experience on both these trainings. Moreover, standardisation in IR and MCC requires the person in charge to be qualified accordingly.

comment 227 comment by: ECA- European Cockpit Association

Comment on paragraph (c):  
Clarification is needed.

comment 337 comment by: UK CAA

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**Paragraph No:** OR.ATO.210

**Comment:** Requirement for the nominated Head of Training to have extensive experience in training as a flight instructor for professional pilot licences is appropriate only for an ATO training for professional licences. This FI experience is unnecessary for the Head of Training of a Type Rating or theoretical knowledge training organisation and may not be achievable in this case.

**Justification:** Removal of overly restrictive requirement.

**Proposed Text (if applicable):**

Paragraph (a)(2) Delete "flight"

comment 382 comment by: OAA Oxford

Where a Group of Company's has a centralised Head of Training, and / or CGI ATOs in other Member States may require only a CFI role

comment 431 comment by: FlightSafety International

**Comment:** Since it is not defined or quantified in any document, the use of the word "extensive" is open to subjective opinion.

**Proposal:** Delete the word "extensive" in sections (a) and (c)

**Impact to FlightSafety:** The experience level of the HoT would be evaluated during the determination of his/her acceptability to the Authority. The required experience level of the CGI should not have to exceed the experience level of the CFI, who is not required to have "extensive" experience.

comment 486 comment by: Márcia Nunes

New regulations in force appear to have abandoned the use of the terms "synthetic flight training" and "synthetic flight instructors".

Instead shouldn't these be respectively replaced by:

"simulated flight training" and flight simulation training instructors"?

comment 727

comment by: *Maarten*

- Somewhere in OR.ATO. 210 (a) (2) is the remark that ATO's have to have ".....sound managerial capability's.....". What are sound managerial capability's?? How are "you" to judge this capability in an airclub, non-profit organisation? Definition unclear(able) so scrap.

comment 802

comment by: *AEA*

**Relevant text:**

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

**Comment:**

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

**Proposal:** We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability

comment 804

comment by: *AEA*

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

**Comment:**

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

**Proposal:**

HT, CFI and CGI can be one person

comment 856

comment by: *Frank Schweppe*

Comments concerning ballooning:

(1) and (2) as the FCL rules seem to exclude professional licences for balloon pilots (and non-motorized operations have been deemed not to be 'commercial air transport' by the European Commission in 2008), a ballooning instructor or head of training can not have extensive experience in training as a flight instructor for professional pilot licences. This would imply that a head of training (i.e. in single-person instructor situations, the instructor himself) must be a commercial fixed-wing instructor. This is obviously not necessary (I would say nonsense) for ballooning operations.

I would add: "With the exemption of ATOs wishing to engage in instruction for non-motorized forms of flight, such as LPL(B), BPL and SPL, the HT shall:....

comment

996

comment by: *Flygteoriskolan Barkarby AB*

OR.ATO.210 (b) Chief Flying Instructor

We do not agree with your view on this subject. You can have ATOs that just specialise in theoretical training. In that case there is no need for a Chief Flying Instructor. We suggest that you add to this paragraph:

"A CFI need not to be nominated for an ATO that specialises in theoretical training and have no flight training"

comment

1002

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

What are the requirements for ATOs providing theoretical knowledge instruction only? Are they required to have a CFI?

**Proposal:**

Insert paragraph that excludes above mentioned ATOs from the requirement of having a Chief Flying Instructor.

**Comment:**

Point (a)(2) HT. For how long time shall, before appointment, extensive experience be counted? We suggest that the text from JAR-FCL 1 is used.

Point (b) CFI. Does the requirement imply that only an instructor certificate is needed in order to become a CFI? Shouldn't there be any requirements for flight experience (flight time) as a flight instructor before becoming a CFI?

The text in AMC 1 to OR.ATO.210 is explaining the experience for both HT and CFI.

**Proposal:**

Suggest that the text in AMC 1, OR.ATO.210, is moved to OR.ATO.210.

Point (a)(2). The nominated HT should hold or have held, during three years prior to the first appointment as a HT, a professional pilot licence and associated ratings issued in accordance with Part-FCL related to the flying training courses conducted.

Point (b)

(i) hold the highest professional pilot licence and the ratings related to the

flying training courses conducted;

(ii) have completed 1000 hours of flight time as pilot-in-command of which at least 500 hours shall be on flying instructional duties related to the flying courses conducted, of which 200 hours may be instrument ground time.

comment

1070

comment by: CAA Belgium

This section is a mix of JAR-FCL requirements for FTO's and TRTO's.

Why the H.T. of a ATO which gives training for type rating needs extensive experience in training for professional pilot licences ?

comment

1242

comment by: Swiss International Airlines / Bruno Pfister

Relevant text

:

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

Comment:

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

Proposal: We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences

**OR RATINGS**

and possess a sound managerial capability

comment

1243

comment by: Swiss International Airlines / Bruno Pfister

Relevant text:

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. e CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

Comment:

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

Proposal:

HT, CFI and CGI can be one person

comment

1345

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 2 - OR.ATO.210 Personnel requirements

**Relevant text:**

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

**Comment:**

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

**Proposal:** We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability

comment 1347

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 2 - OR.ATO.210 Personnel requirements

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

**Comment:**

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

**Proposal:**

HT, CFI and CGI can be one person

comment 1380

comment by: KLM

**Relevant text:**

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

**Comment:**

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

**Proposal:** We suggest change to:

(2) have extensive experience in training as a flight instructor for professional

pilot licences **OR RATINGS** and possess a sound managerial capability.

comment 1381

comment by: KLM

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

**Comment:**

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

**Proposal:**

HT, CFI and CGI can be one person

comment 1529

comment by: Deutsche Lufthansa AG

**Relevant text:**

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

**Comment:**

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

**Proposal:** We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability

comment 1531

comment by: Deutsche Lufthansa AG

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

**Comment:**

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

**Proposal:**

HT, CFI and CGI can be one person

comment 1603

comment by: *bmi*

Relevant text: (a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability. Comment :HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

Proposal: We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability

comment 1604

comment by: *bmi*

Relevant text:

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. e CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

Comment:

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

Proposal:

HT, CFI and CGI can be one person

comment 1627

comment by: *British Airways Safety & Security*

Cannot include the word extensive (as used in section (a) (2)) to describe experience in a regulation. Therefore **extensive** should be removed and any clarity on the matter should be added to the AMC or GM.

comment 1656 comment by: CAA CZ

OR.ATO.210 (b), page 11

The CFI shall hold an instructor certificate with the privilege to instruct for **at least one** of the training courses provided.

The requirement should be added that he must have experience in the provision of all types of trainings, which ATO applies for. It is unable to reduce the CFI requirements significantly because it implies that almost every instructor can have his ATO then, for almost all courses. Number of ATOs will grow enormously and the quality of training will significantly decrease. Each ATO will be allowed to have for example, only 1 training. And competent authority shall ensure supervision of all ATOs, regardless of the number of training conducted for 24 months. In Czech Republic there is already registered 140 facilities and 20 FTO. The increase in the number of FTO was prevented so far by the requirement for CFI, which had to have 500 hours in training related to the courses provided. Interpretation was - applicable to all trainings that he is applying for. Furthermore, the requirement for the number of hours needed for the nomination CFI moved to AMC, where it is able to use "should" instead of "shall".

comment 1760 comment by: Aero-Club of Switzerland

Please delete the term Chief Ground Instructor.

Justification: We think, in most of the cases the training in ground will be given by flight instructors. A strict separation of the directly flight related instruction from instruction to be given on ground is not necessary. There is no need to "over-organise" an ATO.

comment 1842 comment by: International Air Transport Association (IATA)

**Relevant text:**

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

**Comment:**

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

**Proposal:** We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability

comment 1843 comment by: International Air Transport Association (IATA)

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in

instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

**Comment:**

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

**Proposal:**

HT, CFI and CGI can be one person

comment 1871

comment by: AIR FRANCE

**Relevant text:**

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

**Comment:**

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

**Proposal:** We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability.

comment 1874

comment by: AIR FRANCE

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

**Comment:**

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

**Proposal:**

HT, CFI and CGI can be one person

comment 1992

comment by: Virgin Atlantic Airways

**Relevant text:**

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

Comment:

The HT of TRTO may have no experience in training for Pilot Licences but significant experience as a TRI/TRE

Proposal:

(2) have extensive experience in training as a flight instructor for professional pilot licences **or *Type Ratings*** and possess a sound managerial capability

comment 1994

comment by: *Virgin Atlantic Airways*

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

Comment:

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. What is the justification for this change?

Proposal:

HT, CFI and CGI should also be permitted to be a single person

comment 2046

comment by: *TNT Airways*

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. A CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving

theoretical knowledge instruction.

**Comment:**

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO. This should be a recommendation and not a requirement

**Proposal:**

add:

d) The positions of HT, CFI and CGI can be held by one person with the appropriate qualification requirements.

comment

2076

comment by: ERA

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

Change to sup-paragraph (2) to "have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability"

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation. Could HT, CFI and CGI be one person?

comment

2132

comment by: CAA Norway

OR.ATO.210

This needs to be re-written. This proposal mixes requirements for what today are FTOs and TRTOs in a manner that creates paradoxes, and it is also very rigid. E.g. all ATOs shall nominate a CFI, even if only giving theoretical instruction.

comment

2191

comment by: Icelandair

**Relevant text:**

(a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.

**Comment:**

HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

**Proposal:** We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability

comment

2192

comment by: Icelandair

**Relevant text:**

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be

responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. The CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

**Comment:**

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

**Proposal:**

HT, CFI and CGI can be one person

comment 2208 comment by: CAA Finland

Amend. The role of the HT is more managerial than creating specific training plan. An experience as a rector in high school may be more valuable.

(2) have extensive experience in training ~~as a flight instructor for professional pilot licences~~ and possess a sound managerial capability.

comment 2213 comment by: CAA Finland

Amend. An ATO giving only theoretical knowledge training does not need CFI. CGI respectively.

(b) *Chief Flying Instructor (CFI)*. The ATO **giving s ynthetic fli ght or flight training** shall

(c)

*Chief Ground Instructor (CGI)*. The ATO **giving t heoretical k nowledge training** shall

comment 2368 comment by: FINNAIR

Relevant text: (a) Head of Training (HT). The nominated HT shall:

(2) have extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability. Comment :HT of TRTO may have no experience in training for pilot licences but significant experience as a TRI/TRE

Proposal: We suggest change to:

(2) have extensive experience in training as a flight instructor for professional pilot licences **OR RATINGS** and possess a sound managerial capability.

comment 2371 comment by: FAA

**OR.ATO.210 Person nel requi rements** As per previous comment to OR.ATO.110, regarding the specific title of "Head of Training." The same observation is applicable for the other positions in this section.

**Recommendation:**

The use of a general title with the specific duties and responsibilities for that position spelled out would accomplish the same end result without the necessary change of the structure of existing operators.

comment

2372

comment by: *FINNAIR*

Relevant text:

(b) Chief Flying Instructor (CFI). The ATO shall nominate a CFI that shall be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction. The CFI shall hold an instructor certificate with the privilege to instruct for at least one of the training courses provided.

(c) Chief Ground Instructor (CGI). The ATO shall nominate a CGI that shall be responsible for the supervision of all ground instructors and for the standardisation of all theoretical knowledge instruction. e CGI shall have a practical background in aviation and have undergone a course of training in instructional techniques or have had extensive previous experience in giving theoretical knowledge instruction.

Comment:

A chief flying instructor (CFI) and a chief ground instructor (CGI) are not applicable within current approved TRTO structure. This requirement for a CFI & CGI is not a commonly used management construction within modern organisations. Creating an extra management layer will have a negative effect on the flexibility of the organisation.

Proposal:

HT, CFI and CGI can be one person

comment

2375

comment by: *FAA*

**OR.ATO.210 Pers onnel r equirements** Sections OR.ATO.110 and OR.ATO.210 have the exact same title, "**Personnel requirements.**"

**Recommendation:** Re-title one of the paragraphs to have a separate title.

comment

2379

comment by: *Klaus HARTMANN*

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland. Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)

2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.

3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 - 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden.

Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus.

Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Hauptverbot darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freiflightführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberichter aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:

Es sollte eine AMC für 'Mini - ATO's für Freiflightführer BPL/LPL(B)' geben.

Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.

Für Mini - ATO's BPL/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manualls' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini - ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini - ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini - ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch Senior Examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von Small Organisations.

Im Freiflightbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Freiflightgruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfliegen / Fliegen im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini - ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.

Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglichst sein.

comment

2452

comment by: *Aéro.Sport asbl. Luxembourg*

Our proposal:

(2) Have extensive experience in training as a flight instructor in the training provided by the ATO and possess a sound managerial capability

Reason:

We really can't see the necessity that the HT shall have an extensive experience as a flight instructor for professional pilot licences, if the ATO is only training PPL and IR.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 2 - OR.ATO.225 Training programme**

p. 11

comment

2381

comment by: *FAA*

**OR.ATO.225 Training programme** No associated AMC material is provided for this requirement.

**Recommendation:** Develop AMC material to aid the operator in development of their training programs.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 2 -  
OR.ATO.230 Training manual and operations manual**

p. 11

comment 90 comment by: *James Carrie*  
This should all be covered by one standard syllabus

comment 143 comment by: *Aero-Club of Switzerland*  
Letter (e): "...in accordance with Subpart OPS": Subpart OPS of what?

comment 224 comment by: *ECA- European Cockpit Association*  
Comment on paragraph (e):  
Clarification is required on what is the type of operations of an ATO. Depending on the type of operation, various FTL schemes may appear in various CSs. Specific CSs should be developed to regulate the instructional activities.

comment 338 comment by: *UK CAA*  
**Page No:**  
11 of 83  
**Paragraph No:** OR.ATO.230(c)  
**Comment:** Specifies the format of an ATO training manual in four separate parts. This is from JAR-FCL but has been found to be cumbersome when an organisation conducts a variety of courses, especially TRTO courses where one organisation provides multiple type rating training. An individual document is required for each course while many aspects are common.  
**Justification:** Commonality with requirements for Operations Manual in subparagraph (d).  
**Proposed Text (if applicable):**  
Amend paragraph (c) to replace "following parts" and the bullets to read:  
"training plan, briefings and air exercises and synthetic training as appropriate and theoretical knowledge instruction."

comment 601 comment by: *Heliswiss AG, Belp*  
OR.ATO.230 (e)  
For flight time limitations, 4 possibilities of operations for a flight instructor exist:  
1. Full time instructor with no commercial flying  
2. Full time instructor with commercial flying  
3. Part time instructor with no commercial flying

## 4. Part time instructor with commercial flying

In case of commercial flying, the duty and rest times of Subpart OPS have to be respected. Due to the completely different operation and the related stress it should be possible to deviate from OPS requirements if the instructor does only instruction or is a part time instructor.

Proposition: erase "in accordance with Subpart OPS".

comment 621

comment by: *Heli Gotthard*

## OR.ATO.230 (e)

For flight time limitations, 4 possibilities of operations for a flight instructor exist:

1. Full time instructor with no commercial flying
2. Full time instructor with commercial flying
3. Part time instructor with no commercial flying
4. Part time instructor with commercial flying

In case of commercial flying, the duty and rest times of Subpart OPS have to be respected. Due to the completely different operation and the related stress it should be possible to deviate from OPS requirements if the instructor does only instruction or is a part time instructor.

Proposition: erase "in accordance with Subpart OPS".

comment 644

comment by: *Air Grischa Helikopter AG*

## OR.ATO.230 (e)

For flight time limitations, 4 possibilities of operations for a flight instructor exist:

1. Full time instructor with no commercial flying
2. Full time instructor with commercial flying
3. Part time instructor with no commercial flying
4. Part time instructor with commercial flying

In case of commercial flying, the duty and rest times of Subpart OPS have to be respected. Due to the completely different operation and the related stress it should be possible to deviate from OPS requirements if the instructor does only instruction or is a part time instructor.

Proposition: erase "in accordance with Subpart OPS".

comment 668

comment by: *Berner Oberländer Helikopter AG BOHAG*

## OR.ATO.230 (e)

For flight time limitations, 4 possibilities of operations for a flight instructor exist:

1. Full time instructor with no commercial flying
2. Full time instructor with commercial flying
3. Part time instructor with no commercial flying
4. Part time instructor with commercial flying

In case of commercial flying, the duty and rest times of Subpart OPS have to be respected. Due to the completely different operation and the related stress it should be possible to deviate from OPS requirements if the instructor does only instruction or is a part time instructor.

Proposition: erase "in accordance with Subpart OPS".

comment 709

comment by: *Stefan Huber*

OR.ATO.230 (e)

For flight time limitations, 4 possibilities of operations for a flight instructor exist:

1. Full time instructor with no commercial flying
2. Full time instructor with commercial flying
3. Part time instructor with no commercial flying
4. Part time instructor with commercial flying

In case of commercial flying, the duty and rest times of Subpart OPS have to be respected. Due to the completely different operation and the related stress it should be possible to deviate from OPS requirements if the instructor does only instruction or is a part time instructor.

Proposition: erase "in accordance with Subpart OPS".

comment 819

comment by: AEA

**Relevant text:**

(c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with and shall include the following parts:

- Part 1 – Training Plan
- Part 2 – Briefing and Air Exercises
- Part 3 – Synthetic Flight Training
- Part 4 – Theoretical Knowledge Instruction

**Comment:**

If this ATO is a part of an airline group, these manuals can be combined with the Airline Operational Manual.

**Proposal:**

Add a § d) with the text above

comment 820

comment by: AEA

The prescription of the different parts is too rigid. This should be left at the discretion of the CA (in consultation with the operator).

comment 1009

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Comment:**

The four parts of the Operations Manual are not described here.

**Proposal:**

We suggest to move the text in AMC 1 to OR.ATO.230 into OR.ATO.230

- Part 1 General
- Part 2 Technical
- Part 3 Route
- Part 4 Staff Training

comment 1244

comment by: Swiss International Airlines / Bruno Pfister

Relevant text

:

(c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with and shall

include the following parts:  
 Part 1 – Training Plan  
 Part 2 – Briefing and Air Exercises  
 Part 3 – Synthetic Flight Training  
 Part 4 – Theoretical Knowledge Instruction  
 Comment  
 :  
 If this ATO is a part of an airline group, these manuals  
 can be combined with the Airline Operational Manual.  
 Proposal:  
 Add a § d) with the text above

comment 1245 comment by: *Swiss International Airlines / Bruno Pfister*

The prescription of the different parts is too rigid. This  
 should be left at the discretion of the CA (in consultation  
 with the operator).

comment 1266 comment by: *AEA*

**Relevant text:**

(c) The training manual shall state the standards, objectives and training goals  
 for each phase of training that the students are required to comply with and  
 shall include the following parts:

Part 1 – Training Plan  
 Part 2 – Briefing and Air Exercises  
 Part 3 – Synthetic Flight Training  
 Part 4 – Theoretical Knowledge Instruction

**Comment:**

more flexibility should be allowed in the creation of the training manual.

**Proposal:**

Modify c)

The training manual shall state the standards, objectives and training goals for  
 each phase of training that the students are required to comply with.

comment 1349 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 2 -  
 OR.ATO.230 Training manual and operations manual

**Relevant text:**

(c) The training manual shall state the standards, objectives and training goals  
 for each phase of training that the students are required to comply with and  
 shall include the following parts:

Part 1 – Training Plan  
 Part 2 – Briefing and Air Exercises  
 Part 3 – Synthetic Flight Training  
 Part 4 – Theoretical Knowledge Instruction

**Comment:**

If this ATO is a part of an airline group, these manuals can be combined with  
 the Airline Operational Manual.

**Proposal:**

Add a § d) with the text above

comment 1351 comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 2 - OR.ATO.230 Training manual and operations manual

The prescription of the different parts is too rigid. This should be left at the discretion of the CA (in consultation with the operator).

comment 1383 comment by: KLM

**Relevant text:**

(c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with and shall include the following parts:

Part 1 – Training Plan

Part 2 – Briefing and Air Exercises

Part 3 – Synthetic Flight Training

Part 4 – Theoretical Knowledge Instruction

**Comment:**

If this ATO is a part of an airline group, these manuals can be combined with the Airline Operational Manual.

**Proposal:**

Add a § d) with the text above

comment 1384 comment by: KLM

The prescription of the different parts is too rigid. This should be left at the discretion of the CA (in consultation with the operator).

comment 1532 comment by: Deutsche Lufthansa AG

**Relevant text:**

(c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with and shall include the following parts:

Part 1 – Training Plan

Part 2 – Briefing and Air Exercises

Part 3 – Synthetic Flight Training

Part 4 – Theoretical Knowledge Instruction

**Comment:**

If this ATO is a part of an airline group, these manuals can be combined with the Airline Operational Manual.

**Proposal:**

Add a § d) with the text above

comment 1533 comment by: Deutsche Lufthansa AG

The prescription of the different parts is too rigid. This should be left at the discretion of the CA (in consultation with the operator).

comment	1605	comment by: <i>bmi</i>
<p><b>Relevant text:</b>  (c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with and shall include the following parts:  Part 1 – Training Plan  Part 2 – Briefing and Air Exercises  Part 3 – Synthetic Flight Training  Part 4 – Theoretical Knowledge Instruction</p> <p><b>Comment:</b>  If this ATO is a part of an airline group, these manuals can be combined with the Airline Operational Manual.</p> <p><b>Proposal:</b>  Add a § d) with the text above</p>		
comment	1606	comment by: <i>bmi</i>
<p>The prescription of the different parts is too rigid. This should be left at the discretion of the CA (in consultation with the operator).</p>		
comment	1772	comment by: <i>Adventia, European College of Aeronautics</i>
<p>- As for OR.ATO.230 "Training and Operational Manual" and the AMCs to OR.ATO.230(c) and to OR.ATO.230(d), the Manuals should contain information about flight duty periods and flight time limitations for flight instructors and students, the implementing rules, or at least the AMC, should <u>describe a system to determine the maximum activity or minimum rest periods for ATOs</u> (especially taking into account that the OPS rules do not seem applicable to Training Organizations on this matter).</p>		
comment	1845	comment by: <i>International Air Transport Association (IATA)</i>
<p><b>Relevant text:</b>  (c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with and shall include the following parts:  Part 1 – Training Plan  Part 2 – Briefing and Air Exercises  Part 3 – Synthetic Flight Training  Part 4 – Theoretical Knowledge Instruction</p> <p><b>Comment:</b>  If this ATO is a part of an airline group, these manuals can be combined with the Airline Operational Manual.</p> <p><b>Proposal:</b>  Add a § d) with the text above</p>		
comment	1846	comment by: <i>International Air Transport Association (IATA)</i>
<p>The prescription of the different parts is too rigid. This should be left at the discretion of the CA (in consultation with the operator).</p>		

comment	1876	comment by: <i>AIR FRANCE</i>
<p><b>Relevant text:</b>  (c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with and shall include the following parts:  Part 1 – Training Plan  Part 2 – Briefing and Air Exercises  Part 3 – Synthetic Flight Training  Part 4 – Theoretical Knowledge Instruction</p> <p><b>Comment:</b>  If this ATO is a part of an airline group, these manuals can be combined with the Airline Operational Manual.</p> <p><b>Proposal:</b>  Add a § d) with the text above</p>		
comment	2047	comment by: <i>TNT Airways</i>
<p><b>Proposal:</b>  add the opportunity to have the content of the manual included in the OPS manual as published according to Part OPS:</p> <p>f) If the ATO is at the same time a commercial operator holding an AOC according to Part OPS, the training manual and operations' manual containing information and instructions to enable staff to perform their duties and to give guidance to students on how to comply with course requirements can be included in the commercial operator's manuals published according to Part OPS.</p>		
comment	2193	comment by: <i>Icelandair</i>
<p><b>Relevant text:</b>  (c) The training manual shall state the standards, objectives and training goals for each phase of training that the students are required to comply with and shall include the following parts:  Part 1 – Training Plan  Part 2 – Briefing and Air Exercises  Part 3 – Synthetic Flight Training  Part 4 – Theoretical Knowledge Instruction</p> <p><b>Comment:</b>  If this ATO is a part of an airline group, these manuals can be combined with the Airline Operational Manual.</p> <p><b>Proposal:</b>  Add a § d) with the text above</p>		
comment	2194	comment by: <i>Icelandair</i>
<p>The prescription of the different parts is too rigid. This should be left at the discretion of the CA (in consultation with the operator).</p>		
comment	2235	comment by: <i>CAA Finland</i>
<p>Amend. Harmonization with part FCL. Flight instructor is specific FI; instructor</p>		

a general wording, subpart J.

(d) The operations manual shall provide relevant information to particular groups of staff, as ~~flight~~ instructors, ~~synthetic flight instructors~~, ground instructors, operations

(e) The operations manual shall establish flight time limitation schemes for ~~flight~~ instructors

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3**

p. 12

comment 291

comment by: *Susana Nogueira*

'The user approval' is missing

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 - Chapter 1 - OR.ATO.300 General**

p. 12

comment 81

comment by: *STK*

NPA 22c, OR.ATO.300

"(b)

The FSTD specification shall be detailed in the terms of **User Approval by competent authority**

comment 82

comment by: *STK*

NPA 22c, OR.ATO.300

(b) The FSTD specification shall be detailed in the terms of **User Approval by competent authority**

User approval is paramount to see details in the training program compared to what actually the training device is capable to do and then the authority have to decide which difference/ familiarization training is required to fulfill FCL and OPS requirement.

comment 339

comment by: *UK CAA*

**Page No:**  
12 of 83

**Paragraph No:** OR.ATO.300(a)

**Comment:** Grammatically incorrect -

**Proposed Text (if applicable):**

*"An ATO shall provide training in FSTDs only when it demonstrates...."*

comment 340

comment by: *UK CAA*

**Page No:**

12 of 83

**Paragraph No:** OR.ATO.300 (b)**Comment:**

Adding the FSTD specifications to the ATO terms of approval should be a PART AR requirement. Review of Part AR does not identify this requirement.

**Justification:**

See UK CAA comment on Part AR Appendix 1 to Annex 1 Organisation Approval Certificate.

**Proposed Text (if applicable):**

UK CAA comment in Part AR proposes an amendment to the ATO Certificate/approval schedule.

comment

849

comment by: *DGAC FRANCE***OR ATO 300**

a) 1) suppress this paragraph because it is not the tasks of an ATO to verify that the performance functions and other characteristics of FSTD is maintained (see our comments in OR ATO 350)

comment

1125

comment by: *Irish Aviation Authority*

1. In (a)(1), is the word 'installation' being used as a gerund - i.e. "the act or an instance of installing" - or as the pure noun - i.e. "a piece of apparatus, a machine, etc. installed" - or both? If it is the former, it will be relatively straightforward for an ATO to control through contract, but if it is the latter, it will be almost impossible for an ATO, which is using the device of a third party, to comply with this rule.

2. In (b), is the 'approval' the FSTD User Approval, or the ATO approval. Normally the FSTD specifications are listed only on the Qualification Certificate, and on the User Approval only the user's requirements are listed, subject to continued qualification of the device. It would be a waste of time to list all the specifications of every FSTD that an ATO uses on the ATO approval, especially if the ATO was not authorised to use some of the capabilities of the device. For example, the device is capable of Cat IIIb, but the ATO only has approval for Cat I, as is covered in (a)(2).

The FSTD specifications are well documented elsewhere and therefore (b) is redundant and should be removed to avoid confusion. Some of this confusion will arise because some ATO's will operate and provide training in a device or devices, but, because of these rules, an organisation which operates simulators but does not itself provide training, will also have to be an ATO.

DCr 260509

comment

1197

comment by: *DCAA*

Reference to User Approval shall be entered

comment 2384

comment by: FAA

**OR.ATO.300 General** It is unclear for a simulator outside of an EASA member state that is operated by a party that does not provide training, but only dry leases the FAA approved simulators to several different EASA member state air carriers who would be required to comply with these organizational requirements. An example of this would be the dry leasing by United Airlines a B777 simulator to Air France for Air France to conduct training under their French DGAC and to British Airways under their approved training program to conduct training. In this example it is unlikely that United Airlines would have a desire to go through the entire process necessary for an EASA ATO approval and who and how would the two different air carriers comply with this requirement. This could lead to the reduction of otherwise qualified full flight simulators being available to EASA member state air carriers to conduct high value training. This could have a negative safety impact for the EASA member state air carriers.

**Recommendation:** Develop a methodology to address this scenario or a similar type of simulator dry lease arrangement.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 - Chapter 1 - OR.ATO.305 FSTD qualification maintenance**

p. 12

comment 26

comment by: Alteon

ADD:

(a) In order to maintain the qualification of the FSTD, the complete master QTG **and function and subjective tests** shall be run progressively between each annual evaluation conducted by the competent authority.

comment 341

comment by: UK CAA

**Page No:**  
12 of 83

**Paragraph No:** OR.ATO.305 (b)

**Comment:**

The length of time for retention of the records needs to be defined. Add reference to OR.ATO.120 (b)

**Justification:**

It is not clear if these records are part of that defined in OR.ATO.120 (b) as currently drafted. However, if the CAA UK comment against OR.ATO.120 (b) to add reference to CMS records and the associated AMC (see above) is accepted then records of the QTG runs would be kept automatically for the life of the FSTD.

**Proposed Text (if applicable):**

Amend OR.ATO.305 (b) to read (proposed amendments *italicised and underlined*)

The results shall be dated and retained in accordance with OR.ATO.120 (b) in order to demonstrate that the FSTD standards are being maintained.

comment

343

comment by: UK CAA

**Page No:**

Page 12 of 83

**Paragraph No:** OR.ATO.305 (c)**Comment:**

The reason why a configuration management system is essential is not clear or understood. Propose that this paragraph be clarified.

**Justification:**

To ensure the "continued integrity" of the FSTD is a term that needs to be explained in AMC or the IR needs to be clarified because there is no consistent means to determine compliance to this text. It is offered that the need for configuration management is to ensure that the device continues to replicate a known aircraft, or that differences in configuration between simulator and specific aircraft can be identified for training purposes. The proposed revised text allows compliance to be established.

**Proposed Text (if applicable):**

Amend OR.ATO.305(c) to read (proposed amendments italicised and underlined)

(c) A configuration control system shall be established to define the configuration standard of each device at any time during its life.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 - Chapter 1 - OR.ATO.310 Modifications**

p. 12

comment

342

comment by: UK CAA

**Page No:**

12 of 83

**Paragraph No:** OR.ATO.310(a)**Comment:**

The responsibility for identifying and reviewing modifications is with the operator of a simulator (these IRs are for the ATO), however this is done. There is no need to define who should be involved in the rule.

**Justification:**

This paragraph places implied obligations on the simulator manufacturer in that it is expected that they will have the links to the aircraft manufacturer. This is not necessarily the case. The AMC to ATO.310 (a) gives guidance on how to do this and who to include in the process. See paragraph 5 of the AMC to ATO.310 (a), which clearly shows that the aircraft manufacturer may be reluctant to share information with organisations which are not aircraft operators (including FSTD manufacturers themselves).

**Proposed Text (if applicable):**

Amend OR.ATO.310 (a) to read (proposed amendments *italicised and underlined*)

(a) An ATO shall establish and maintain a ~~*n-information*~~ system *to identify, assess and incorporate* any important modifications into the FSTDs, especially:

Rest of paragraph (a) unchanged

comment

344

comment by: UK CAA

**Page No:**

12 of 83

**Paragraph No:** OR.ATO.310(a)(1)**Comment:**

The use of the term "training and checking" is inconsistent with other parts of the IRs (e.g. see AMC 1 to Part AR.ATO.235 and AMC to OR.ATO.310 (a) where the term "Training and Testing" is used. The correct terminology is "training, testing and checking".

**Justification:**

A consistent and correct terminology should be applied throughout the document.

**Proposed Text (if applicable):**

Review the document for consistency using the words "training, testing and checking" where applicable.

comment

432

comment by: FlightSafety International

**Comment**

The competent authority shall be advised in advance of any major changes to determine if the tests carried out by the ATO are satisfactory.

**Proposal**

Add the following statement: "If no response is received from the competent authority within 21 days of the completion of the FSTD testing, the changes may be implemented into the training environment."

**Impact to FlightSafety**

This change will prevent unnecessary delays in implementing necessary changes. If, after a change is implemented and 21 days has elapsed, the competent authority determines an evaluation is required, it is still within the authority's prerogative to ask that the FSTD undergo a special evaluation.

comment

769

comment by: European Regions Airline Association

OR.ATO.310 (a) (1) states "any aircraft modifications that are essential for training and checking, whether or not enforced by an airworthiness directive;" Whilst ERA can understand the need for embodiment of any modification required by an AD, it finds it difficult to understand how an ATO would monitor

embodiment of those "discretionary" modifications as may be issued from time to time. Can the Agency clarify this requirement by providing examples of such modifications, together with suggested means that an ATO could use to monitor the issuance of the same.

comment 1491 comment by: Dassault Aviation

There shall be a link with relevant Part 21 Subpart C for any aircraft reference data for FSTD qualification.

comment 2270 comment by: CAE

OR.ATO.310 Modifications

Paragraph (a) needs clarification: is "maintain an information system" intended to state "maintain communications" or does it entail additional protocol!

comment 2293 comment by: CAE

Paragraph (c) : Some changes will require hardware modifications to be completed before the appropriate tests can be accomplished; in such cases it may be necessary to approve a test plan, and the test results to be submit at the completion of the modification.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 - Chapter 1 - OR.ATO.315 Installations**

p. 12

comment 228 comment by: ECA- European Cockpit Association

Comment:

ECA thinks that these requirements should be extended to all installations as applicable to the type of training provided. These requirements should be transferred to OR.GEN.215.

comment 1006 comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)

**Comment:**

Compliance with local, country or state regulations for health and safety is missing.

**Proposal:**

Add text: The ATO shall ensure that the FSTD and its installation comply with local, country or state regulations for health and safety (Source JAR-STD /FSTD A.025 item (c) (1).

comment 2134 comment by: CAA Norway

OR.ATO.315

Add text from JAR-STD/FSTD A.025 item (c)(1):

The ATO shall ensure that the FSTD and its installation comply with the local,

country or state regulation for health and safety.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 -  
Chapter 1 - OR.ATO.320 Additional equipment**

p. 13

comment

345

comment by: UK CAA

**Page No:**

13 of 83

**Paragraph No:** OR.ATO. 320

**Comment:**

There is a concern about the introduction of new and novel features as "additional equipment" where there are no requirements to assess if the feature adversely affects training. An example might be the recent developments in motion seats or the "upset recovery" functions on some simulators. There is a need to establish what to do if there is no basis for making a judgement about the effect on training (restrict use of the feature perhaps) or provide guidance in a new AMC.

**Justification:**

Where additional equipment may be new, novel or may cause the simulator to behave outside the normal envelope the simulator evaluation team, as identified in Part AR of a competent authority, may not be in a position to make the judgement.

**Proposed Text (if applicable):**

Guidance material needed in Part OR and/or Part AR

comment

433

comment by: FlightSafety International

**Comment**

The statement "Where additional equipment has been added to the FSTD" is entirely too broad in scope.

**Proposal**

Change the statement to read: " Where additional equipment which affects the manner in which training is delivered has been added to the FSTD, it may be assessed by the competent authority to ensure that it does not adversely affect the quality of training delivered."

**Impact to FlightSafety**

The original statement is so broad in scope that the addition of something as simple as a chart holder or the replacement of an analogue clock with a digital clock would require an expensive special evaluation of the FSTD. There is no value-added benefit to these special evaluations unless the addition affects the manner in which training is delivered.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 -  
Chapter 2 - OR.ATO.350 Application for FSTD qualification**

p. 14

comment 251 comment by: RAeS ICFO

To facilitate the adoption future ICAO criteria for FSTDs the use of specific description for types of training devices should be avoided in this section.

Delete (b). The current para (b) regulates a very specific detail.  
It appears that this detail could be addressed in AMC to AR.ATO.125 "Training Program – type rating courses – helicopters

comment 850 comment by: DGAC FRANCE

**OR ATO 350**

The link established between the ATO and the FSTD qualification is totally inappropriate. We think that the system established in JAR STD should be keep ; the RIA explain that on this point the JAR system has been kept but it is not the case ; all changes should be explain clearly by EASA by an assessment of the consequences of such changes ; What is the situation if an FSTD is used outside the EU territory and the ATO is based in the EU territory ? The EASA will have to qualify the FSTD whereas the ATO will be certified by a MS. Moreover what is the situation if the FSTD is used by several ATO from different MS in the community : different qualifications issued by different competent authorities will have to be delivered? We propose to come back to the JAR STD system which have proved his efficiency.

comment 2088 comment by: CAE

As a general comment, we suggest that EASA provide standardized process to each competent authority for such applications.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 - Chapter 2 - OR.ATO.360 Qualification basis**

p. 14

comment 346 comment by: UK CAA

**Page No:**  
Page 14 of 83

**Paragraph No:** OR.ATO.360

**Comment:**

The concept of "Special Conditions" is new to the ATO and FSTD community, although it has been used conventionally in respect of aircraft certification. GM material for this paragraph would be extremely beneficial.

**Justification:**

The ATO/FSTD manufacturing industry is unlikely to understand what a Special Condition means or how these additional requirements are documented and processed.

**Proposed Text (if applicable):**

EASA to provide GM Material including examples. See also reference to Special Conditions in Part AR.ATO.200 para c.

comment 2009 comment by: *Walter Gessky*

OR.ATO.360(a)

Item (3) could be deleted, coming from the product certification, where a direct safety impact exist.

comment 2074 comment by: *MOT Austria*

OR.ATO.360(a)

Item (3) could be deleted, coming from the product certification, where a direct safety impact exist.

comment 2402 comment by: *FAA*

**OR.ATO.360 Qualification basis** How will simulators that were granted approval by competent authorities (such as the FAA) prior to EASA's formation and that are currently being utilized by EU Member State operators be qualified? If not fully recognized as being compliant, their removal from service could have a significant impact on the availability of full flight simulator training devices available to EU Member State operators. This reduction in available simulators could necessitate the changing of training and checking intervals for operators that no longer have qualified simulators available, or could lead them to conduct training and checking in the aircraft with its reduced safety margin, increased cost, and negative impact on the environment.

**Recommendation:** Establish provisions for the recognition of simulators qualified by an authority other than EASA and an EU Member State national aviation authorities to avoid an unnecessary negative impact on the availability of flight simulators and the subsequent negative impact on safety for the EU Members States, their operators, and the general public.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 - Chapter 2 - OR.ATO.370 Interim FSTD Qualification**

p. 14

comment 7 comment by: *MVA*

Interim FSTD Qualification, paragraph (b): the applicability of interim qualifications for level A, B, and C FFS is also valid for aeroplane FFS, not only for helicopter FFS.

comment 204 comment by: *DGAC FRANCE*

OR-ATO-370 Paragraph (b)

There is no reason, neither technical nor technical, to make a difference between helicopters and aeroplanes concerning the interim qualification level

granted. Therefore the wording used in CS FSTD A and H should be the same.

The following sentence, compliant with JAR-FSTD A and H requirements, is proposed :

***“For Full Flight Simulators, an Interim Qualification Level will only be granted at levels A, B or C”.***

comment 252

comment by: RAeS ICFO

Para (b) is out-of-date. There is no difference in the interim Qualification Standards available to Aeroplanes or Helicopters. Additionally, there is no reason to exclude Interim Qualification on other levels of type specific devices as is allowed today.

Delete para(b)

comment 347

comment by: UK CAA

**Page No:**

14

**Paragraph No:** OR.ATO.370

**Comment:**

The IRs provide for the qualification of simulators for new aircraft types (OR.ATO.370) and indicate the responsibilities and the procedures to be followed by the operator. The Competent Authority is defined in OR.GEN.001, as being a National Authority or EASA, but makes no distinction between initial or first of type and depends on where the device is situated. For first of type simulators where they are placed in a Member State, these rules appear to give the qualification responsibility to the Member state, rather than a JSET (or equivalent under EASA). What is not clear is how the JSET activities are integrated into these rules.

**Justification:**

Clarity and explanation needed.

comment 348

comment by: UK CAA

**Page No:**

Page 14 of 83

**Paragraph No:** OR.ATO.370(b)

**Comment:**

Paragraph (b), which confirms that interim qualification restricted to level A, B or C is limited to helicopters, implies that aeroplanes could be allowed an interim Level D that has not been the case previously. Reference to helicopters should be removed from paragraph b.

**Justification:**

An interim qualification to level C for helicopters and fixed wing FSTD is an appropriate and technically consistent approach.

**Proposed Text (if applicable):**

AR.ATO.370 (b) to be amended as follows:-

(b) For FFS, an interim qualification level shall only be granted at levels A, B or C.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 -  
Chapter 2 - OR.ATO.375 Duration and continued validity**

p. 14-15

comment

27

comment by: *Alteon*

(b) 2 DELETE paragraph

comment:

Strongly Suggest to delete the whole paragraph as worded. If a simulator of the ATO fail in some sense any evaluation that does not have to affect extended validity for other devices

(b) 5 ADD:

Accountable person with FSTD experience but not direct training experience might be acceptable if he is supported all the time by an approved person with training experience.

comment:

This is very important for third party providers with no direct TRE/TRI employed pilots but that they use approved TRI from customers for the extended validity activity.

comment

32

comment by: *Alteon*

OR.ATO.375 duration and continued validity  
(b) (2);

Strongly Suggest to delete the whole paragraph as worded. If a simulator of the ATO fail in some sense any evaluation that does not have to affect extended validity for other devices

comment

253

comment by: *RAeS ICFO*

To facilitate the adoption future ICAO criteria for FSTDs the use of specific description for types of training devices should be avoided in this section.

Reword OR.ATO.375 to read

“Duration and continued validity”

“The FSTD qualification is issued for an unlimited duration and its validity is subject to the type of FSTD”

and move the existing text in paras a to c to a new AMC to OR.ATO.375

The validity would then be described in a new AMC to OR.ATO.375 which would mirror the text currently located in the OR.ATO.375.

comment

349

comment by: UK CAA

**Page No:**

15 of 83

**Paragraph No:** OR.ATO.375 (b)**Comment**

This paragraph requires evaluation at periods not exceeding 12 months. It is not clear when this period starts and ends. JAR FSTD allows for a recurrent to be carried out up to 60 days before expiry, and then the ongoing qualification period starts from the expiry date (up to 60 days later). This is not evident in the IRs and means that after a recurrent that is carried out early it is implied the clock starts at the evaluation. This means that the competent authority will be making evaluations at periods much less than a year in some cases. The start and end points need to be defined.

**Justification:**

The text as presented will require competent authority evaluations at periods less than 12 months, increasing regulatory burden and regulatory resource requirements.

**Proposed Text (if applicable):**

Add a new AMC to OR.ATO.375

The start date for each recurrent 12 month evaluation period is the date (day/month) of the initial qualification. A FSTD recurrent evaluation can take place at any time within the 60 days prior to the end of the 12 month recurrent evaluation period.

comment

350

comment by: UK CAA

**Page No:**

15 of 83

**Paragraph No:** OR.ATO.375 (b)(2)**Comment**

The text of (b)(2) has been changed to make it much more difficult to permit the use of extended evaluations. JAR FSTD A requires a satisfactory record of evaluations, where this text requires all evaluations to be positive. There are many reasons why a FSTD qualification may not be renewed (device failure for example). A single failure could therefore jeopardise an established extended valuation programme from a competent simulator operator.

**Justification:**

The text in (b)(2) is a change in philosophy from JAR FSTD A that will have an adverse effect on the operating industry and on Competent Authority

resources, with no visible safety benefit.

**Proposed Text (if applicable):**

Amend OR.ATO.375 (b)(2) to read (as per ACJ to JAR FSTD A.020 Para 1.1b):

The FSTD operator has got a satisfactory record of successful regulatory FSTD evaluations over a period of at least three years.

comment 351

comment by: UK CAA

**Page No:**

15 of 83

**Paragraph No:** OR.ATO.375 (b)(5)

**Comment**

An AMC is needed for this paragraph to allow for the option that the accountable person may have either training or FSTD experience if the other aspect is available within his organisation under a procedure documented in the compliance monitoring system.

**Justification:**

Experience has shown that there are very few accountable persons available in the FSTD operating industry having adequate FSTD and training experience. In practice, the accountable person generally has one or other of these elements as a primary discipline and relies upon the expertise of other nominated and accepted persons within their organisation to assist in carrying out the overall assessment. To add this option now will reflect the current situation and avoid later AMC proposals.

**Proposed Text (if applicable):**

Add AMC to OR.ATO.375 (b)(5)

The accountable person may have FSTD or training experience only, provided the other element of expertise is available within the ATO and a procedure for undertaking the annual review and reporting to the authority is documented within the Compliance Monitoring System.

comment 434

comment by: FlightSafety International

**Comment**

The requirement that "All FSTD's of the ATO have been subject to positive evaluations of compliance over the last three years" is impossible to meet for a large ATO with multiple training locations and the subsequent routine addition and relocation of FSTD's to meet customer requirements.

**Proposal**

Change the requirement to state: "The FSTD under consideration has been subject to positive evaluations of compliance over the last three years."

**Impact to FlightSafety**

This change will allow FSTD's with a proven record to be placed on the extended evaluation programme while still allowing the necessary addition and relocation of FSTD's within the ATO.

comment 435 comment by: *FlightSafety International*

**Comment**

The requirement for the ATO to have been approved for three years would prevent the continuation of currently valid extended evaluation programmes of FSTD's until the IR's take effect and the ATO has been approved for three years after.

**Proposal**

Delete requirement (b)(3) in it's entirety.

**Impact to FlightSafety**

The currently proposed requirement would in effect "restart the clock" for all existing extended evaluation programmes, thus imposing an increased financial burden on the ATO's and an increased resource burden on the Authority, when the FSTD's and ATO's have already proven themselves to be acceptable for the extended evaluation programme.

comment 436 comment by: *FlightSafety International*

**Comment**

The requirement for an annual formal audit of the compliance monitoring system is an expensive and time-consuming burden for both the ATO's and the Authority.

**Proposal**

Change the requirement to state: "The competent authority performs an audit of the compliance monitoring system on an interval determined to be acceptable to the authority and the ATO to prove the effectiveness of the system.

**Impact to FlightSafety**

The topic of audits of the compliance monitoring system, especially for large ATO's with established corporate compliance systems implemented at numerous training centres has resulted in agreement of the majority of Authorities that a "sampling system" of auditing is adequate to prove the effectiveness of the system, thereby reducing the resource burden on both the ATO's and the Authority.

comment 437 comment by: *FlightSafety International*

**Comment**

The requirement for a single person within the ATO, having both FSTD and training experience, is virtually impossible to achieve.

**Proposal**

Change the requirement to state: "An accountable person of the ATO ensures that a competent person with FSTD experience reviews the regular reruns of the QTG and a competent person with training experience conducts the relevant function and subjective tests every 12 months. The accountable person will ensure a report of the results of these reviews are sent to the competent authority."

**Impact to FlightSafety**

It is virtually impossible to find personnel with experience both in reviewing and evaluating QTG's and in conducting function and subjective tests. All

authorities recognize this fact and therefore for every evaluation they assign a technical inspector to review the QTG tests and a flight inspector to perform the function and subjective tests. It is unreasonable to require the ATO to do any different.

comment

723

comment by: *ALSIM Simulateurs*Proposed text:

- (a) An FFS, FTD or FNPT qualification shall be issued for an unlimited duration, and shall remain valid subject to:
- (1) The FSTD and the training organisation remaining in compliance with the applicable requirements;
  - (2) The FSTD being evaluated on a recurrent basis for compliance with the applicable qualification basis at periods not exceeding 12 months and 36 months for FNPT;
  - (3) The qualification not being surrendered or revoked.
- (b) This period of 12 or 36 months established in (a)(2) may be extended to 36 months for FFS & FTD and 60 months for FNPT, in the following circumstances:
- (1) The FSTD has been subject to an initial and at least one recurrent evaluation that has established its compliance with the qualification basis;
  - ~~(2) All the FSTDs of the ATO have been subject to positive evaluations of compliance over the last 3 years;~~
  - ~~(3) The ATO has been approved for at least 3 years;~~
  - (4) The competent authority performs a formal audit of the compliance monitoring system as defined in OR.GEN.200 (a)(7) of the ATO every 12 months; and
  - (5) An accountable person of the ATO with FSTD and training experience reviews the regular reruns of the QTG and conducts the relevant function and subjective tests every 12 months and sends a report of the results to the competent authority.
- (c) A BITD qualification and shall be issued for an unlimited duration and shall remain valid subject to regular evaluation for compliance with the applicable qualification basis by the competent authority at the request of the ATO. This evaluation shall be made at periods not exceeding 36 60 months.
- (d) Upon surrender or revocation, the FSTD qualification certificate shall be returned to the competent authority.

Comment:

Technology improvement has dramatically increased the level of reliability those last few years. As a consequence, it would be acceptable to increase the duration of the qualification validity.

Moreover, the high level of requirements regarding the ATO Quality System is the guaranty that it is able to maintain its FSTD over the years.

It appears that through the Quality System, an ATO is able to perform all the necessary checks and to lead the appropriate actions to ensure the correct use and maintenance of the FSTD without further evaluation from its Authority.

This is also a key in the accountability of the Operator concerning its FSTD and its training.

comment

882

comment by: *Boeing**OR.ATO.375*

Para (b)(2)  
Page 15

We request that EASA remove subparagraph (b)(2) in its entirety.

**JUSTIFICATION:** The proposed requirement will greatly disadvantage larger ATOs with FSTDs, as there is a much greater likelihood of a single simulator not having a positive evaluation of compliance over the past 3 years. We request that EASA take this into consideration.

comment 1126

comment by: *Irish Aviation Authority*

The wording in (b) should be changed to: (b) This period of 12 months established in (a)(2) may be extended to a maximum of 36 months, in the following circumstances:  
to allow for flexibility. As presented, it allows only two options, viz 12 months and 36 months.

DCr 260509

comment 1739

comment by: *CAE*

OR.ATO.375 (b)(2) Page 15

Remove entire point.

This will disadvantage larger ATOs with FSTDs as there is a much greater likelihood of a single simulator not having a positive evaluation of compliance over the past 3 years. Intent of bullet point (2) is covered without biasing larger ATO's under other bullet points in OR.ATO.375.

comment 2444

comment by: *FlightSafety International*

(b)(2)

Remove entire point.

This will greatly disadvantage larger ATOs with FSTDs as there is a much greater likelihood of a single simulator not having a positive evaluation of compliance over the past 3 years.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 3 - Chapter 2 - OR.ATO.380 Changes to the qualified FSTD**

p. 15

comment 352

comment by: *UK CAA*

**Page No:**  
15 of 83

**Paragraph No:** OR.ATO.380 (a)

**Comment:**

This paragraph is inconsistent with the AMC to OR.ATO.310 (b), which defines a major change, in that it does not include all the elements in the referenced

AMC but includes two additional items that are not in the AMC. The AMC to OR.ATO.380 does not discuss what a major change is. (Note: see also UK CAA comments on AMC to OR.ATO.310 (b) which adds the two items removed from this paragraph under this proposal).

**Justification:**

Inconsistency needs to be corrected. To put all the examples of major change (modification) into one place would address this point.

**Proposed Text (if applicable):**

Amend OR.ATO.380 (a) to read (proposed amendments *italicised and underlined*)

(a) The ATO operating a qualified FSTD shall inform the competent authority of *any* proposed ~~major~~ changes to the FSTD, such as:

*(1) Major modifications (see AMC to OR.ATO.310 (b))*

(2) Relocation of the FSTD; and

(3) Any deactivation of the FSTD.

Remainder of text unchanged.

comment

353

comment by: UK CAA

**Page No:**

Page 15 of 83

**Paragraph No:** OR.ATO.380 (d)

**Comment:**

Second paragraph of (d) does not say what has to be agreed with the competent authority.

**Justification:**

Editorial change for clarity.

**Proposed Text (if applicable):**

The ATO shall agree *a plan for the de-activation, any storage and re-activation with* the competent authority to ensure that the FSTD can be restored to active status at its original qualification level.

comment

384

comment by: ALSIM Simulateurs

Proposed text:

(a) The approved training organisation operating a qualified FSTD shall inform the competent authority of any proposed major changes to the FSTD, such as:  
(1) aircraft modifications, which could affect the **FFS or FTD** qualification.

Comment:

In case of FNPT or BITD, an aircraft modification does not necessary impact the device as FNPT qualification is not subject to type specific characteristic.

comment 438 comment by: *FlightSafety International*

**Comment**

After the relocation of a qualified FSTD, this new requirement demands the competent authority perform an evaluation.

**Proposal**

Change the last sentence to state: "An evaluation of the FSTD in accordance with its original qualification basis may be required by the competent authority.

**Impact to FlightSafety**

This requirement is a departure from current FSTD A requirements which allow the competent authority the choice to determine whether or not a special evaluation is required. The forcing of a special evaluation imposes serious economic burdens on the ATO and resource burdens on the Authority.

comment 439 comment by: *FlightSafety International*

**Comment**

The ATO shall agree with the competent authority to ensure that the FSTD can be restored to active status at its original qualification level.

**Proposal**

Change the wording to say "...active status at an agreed qualification level."

**Impact to FlightSafety**

This will allow for the possibility that the relocation of a device because of a change in use might also require a change in qualification level.

comment 482 comment by: *Thales Training & Simulation*

**Changes to the qualified FSTD (c) - Relocation**

The wording of the text reads:

"When an FSTD is moved to a new location, the ATO shall inform the competent authority before the planned activity along with a schedule of related events.

An evaluation of the FSTD in accordance with its original qualification basis shall be required by the competent authority."

The next paragraph:

"Prior to returning the FSTD to service at the new location, the ATO shall perform at least one third of the validation tests, and functions and subjective tests to ensure that the FSTD performance meets its original qualification standard."

The combination of these words implies that the major evaluation takes place prior to the re-location rather than after it. This does not seem quite right. Having broken down a device, shipped it and re-assembled it, to perform a less rigorous evaluation seems strange. There is room for confusion in the interpretation of the words here. Clarification is required.

comment

719

comment by: *ALSIM Simulateurs*Proposed text:

(c) When an FSTD is moved to a new location, the ATO shall inform the competent authority before the planned activity along with a schedule of related events.

A special evaluation of the FSTD (equivalent to a recurrent evaluation) in accordance with its original qualification basis may be required by the competent authority. The Authority should be mindful of the potential burden placed on the ATO by a special evaluation and should always consider that burden when deciding if such an evaluation is necessary. Prior to returning the FSTD to service at the new location, the ATO shall perform at least one third of the validation tests, and functions and subjective tests to ensure that the FSTD performance meets its original qualification standard. A copy of the test documentation shall be retained together with the FSTD records for review by the competent authority.

Comment:

Specially in the case of FNPT, the relocation of an FSTD is usually very simple and it would not be fair to be forced to perform a new evaluation, bearing in mind of the potential burden placed on the ATO by a full evaluation.

comment

2052

comment by: *AIRBUS*

The case of Mobile FTD should also be addressed in the paragraph (c). In the case of a Mobile-FTD (Refer to Airbus comments on NPA 2008-22d, CS-FSTD(A)), an MFTD Qualification Certificate should be issued for the MFTD Model to the operator following satisfactory completion of an evaluation by the competent authority. This qualification would be valid for all serial numbers of this MFTD Model used by the same operator without further evaluation by the competent authority. This would be applicable for identical machines at any of the declared sites of that operator.

comment

2161

comment by: *AIRBUS*

It is understood that simulators qualified before JAR STD1A Amendment 3 (or NPA-STD 11) became applicable could maintain their approval under the previous JAR criteria. It is at the discretion of the Authority to decide if major updates or relocation of the simulator would require a change to Amendment 3 or CS-FSTD(A) requirements.

Flight Test data is not necessarily available to support updates of such devices. Use of existing test definitions (as defined in the Master QTG for the FSTD) for flight dynamics and performance sections could be an alternative means of compliance.

Airbus considers necessary to clarify the EASA position concerning Full Flight Simulators already in service before JAR STD1A Amendment 3 became applicable. Additional Flight Test data would in any case not necessarily be available, and thus the changes (which would use engineering validation source data) would bring limited added value.

comment

354

comment by: UK CAA

**Page No:**

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**Paragraph No:** OR.ATO.385**Comment:**

It may not necessarily be required to carry out a full evaluation in the event of a transfer of ATO.

**Justification:**

If the device is not relocated for example (i.e. a new ATO takes over a facility and all the records), and continues to operate the qualified FSTDs, the FSTD itself would not need a re-evaluation. The qualification certificate would need to be re-issued and the new ATO CMS assessed but the device will not change in capability or performance.

**Proposed Text (if applicable):**

Replace existing OR.ATO.385 (b) with the following:

(b) An assessment of the ongoing qualification status and Compliance Monitoring System within which the device will be incorporated will be carried out by the competent authority. This may include an evaluation of the FSTD in accordance with the initial qualification basis.

Add new AMC to OR.ATO.385 (b) to read:

An evaluation of a FSTD will normally be required when the transfer includes relocation, transfer to an ATO who is operating FSTDs for the first time or where the competent authority considers that an evaluation is necessary to ensure that the FSTD continues to comply with the applicable regulations.

comment

722

comment by: ALSIM Simulateurs

Proposed text:

(b) A special evaluation of the FSTD (equivalent to a recurrent evaluation) in accordance with its original qualification basis may be required by the competent authority. The Authority should be mindful of the potential burden placed on the ATO by a special evaluation and should always consider that burden when deciding if such an evaluation is necessary.

Comment:

There are no evidence that a change of the ATO has potential effects on the operation of the FSTD above all if the FSTD is not moved.

If it is moved, the comment on "OR.ATO.380 Changes to the qualified FSTD" is applicable.

Moreover, a distinction should be clearly made between the Quality System of the ATO and the FSTD itself.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 -  
Chapter 1 - OR.ATO.400 General**

p. 17

comment

256

comment by: CAE

OR.ATO.400 (b)

Distance learning courses should also be available for multi pilot type rating training with the same restrictions as are listed for single pilot type rating candidates. There is little difference between a Citation Jet and Citation 500 series aircraft, for example, that would indicate the need to exclude one from distance learning while allowing it for the other. Prefer striking *“for a single pilot high performance aeroplane”* from the sentence as follows:

“(b) courses of additional theoretical knowledge for a class or type rating; or”

comment

355

comment by: UK CAA

**Page No:**

17 of 83

**Paragraph No:** OR.ATO.400

**Comment:** Web-based distance learning is becoming increasingly available for type rating training. The possibility to use it for type rating training should be included in this paragraph. Paragraph conflicts with AMC 2 to OR.ATO.125 which covers distance learning for type rating courses.

**Justification:** Reflects industry best practice.

**Proposed Text (if applicable):**

Add sub-paragraph: (d) type rating training courses.

comment

818

comment by: CTC Aviation Services Ltd

**Page 17 of 83**

OR.ATO.400

Section 4 Additional

requirements for ATOs providing specific types of training Chapter 1 – Distance learning courses OR.ATO.400 General

**An AT O ma y be approved t o cond uct modular course pr ogrammes using distance learning in the following cases:**

**(a) modular courses of theoretical knowledge instruction;**

**(b) cou rses of additional th eoretical know ledge for a cla ss o r ty pe rating for a single pilot high performance aeroplane; or**

**(c) courses of approved pre e ntry theoretical kn owledge in struction for a first type rating for a multiengine helicopter**

**Comment**

The restrictive rationale for (b) is not understood. Following (a) covering modular courses, (b) should cover non modular theoretical instruction for any class or type rating as provided under TRTO rather than FTO authorisations.

**Proposed Amendment**

**(b) courses of additional theoretical knowledge for a class or type rating for a single pilot high performance aeroplane;**

**(b) courses of additional theoretical knowledge for a class or type rating for a single pilot high performance aeroplane;**

comment 822

comment by: AEA

**Comment:**

Distance learning should also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

**Proposal:**

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane;~~ or

comment 883

comment by: Boeing

OR.ATO.400

Para (b)

Page 17

We suggest that distance-learning courses should also be available for Multi-Pilot Type Rating Training, with the same restrictions as are listed for Single Pilot Type Rating Training candidates.

**JUSTIFICATION:** The same flexibility provisions should exist for both Single and Multi-Pilot Type Rating Training.

comment 1246

comment by: Swiss International Airlines / Bruno Pfister

**Comment:**

Distance learning should also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

**Proposal:**

~~Delete~~ in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane;~~ or

comment 1353

comment by: TAP Portugal

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 1 - OR.ATO.400 General

**Comment:**

Distance learning should also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

**Proposal:**

Delete

in

b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane;~~ or

comment 1386 comment by: KLM

**Comment:**

Distance learning should also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

**Proposal:**

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane~~; or

comment 1534 comment by: Deutsche Lufthansa AG

**Comment:**

Distance learning must also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

**Proposal:**

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane~~; or

comment 1607 comment by: bmi

Distance learning should also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

**Proposal:**

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane~~; or

comment 1761 comment by: Aero-Club of Switzerland

Please try to find out what the correct wording is.

a) is the name of this kind of training Distant Learning Course, or

b) Distance Learning Course.

We tend to a)

comment 1848 comment by: International Air Transport Association (IATA)

**Comment:**

Distance learning should also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

**Proposal:**

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane~~; or

comment 1884 comment by: AIR FRANCE

**Comment:**

Distance learning should also be possible for type rating training. There is no

safety reason to exclude distance learning for type rating training.

**Proposal:**

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane~~; or

comment

1996

comment by: *Virgin Atlantic Airways*

**Relevant text:**

(b) courses of additional theoretical knowledge for a class or type rating for a single pilot high performance aeroplane; or

**Comment:**

There is no safety reason to exclude distance learning for type rating training.

Proposal:

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane~~; or

comment

2196

comment by: *Icelandair*

**Comment:**

Distance learning should also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

**Proposal:**

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane~~; or

comment

2376

comment by: *FINNAIR*

Distance learning should also be possible for type rating training. There is no safety reason to exclude distance learning for type rating training.

Proposal:

Delete in b)

(b) courses of additional theoretical knowledge for a class or type rating ~~for a single pilot high performance aeroplane~~; or

comment

2406

comment by: *FAA*

**OR.ATO.400 General (c):** The meaning of this type of training is unclear and no AMC material is presented to further explain the intent and acceptable methods of compliance..

**Recommendation:** Develop appropriate AMC material.

comment

2440

comment by: *FlightSafety International*

Distance learning courses should also be available for Multi Pilot Type Rating Training with the same restrictions as are listed for Single Pilot Type Rating Training candidates.

Same flexibility provisions for both single and multi pilot type rating training.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 -  
Chapter 1 - OR.ATO.405 Classroom instruction**

p. 17

- comment 129 comment by: *DCA Malta*
- OR.ATO.405**  
Delete (b)  
It gives either option anyway.
- comment 292 comment by: *Susana Nogueira*
- (b) Delete paragraph
- comment 688 comment by: *Royal Danish Aeroclub*
- We do not see any reason for distance learning courses to include classroom instruction. Instruction can be remote through videofilm or similar, or even through web-cameras.
- The whole OR.ATO.405 paragraph should be deleted.
- comment 823 comment by: *AEA*
- Relevant text:**  
(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.
- Comment:**  
too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.
- Proposal:**  
Delete all the article OR.ATO.405
- comment 1004 comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*
- Comment for (a):**  
This should be changed so that it is required to have at least 10 % of the time assigned for each subject as actual classroom instruction. Otherwise, an ATO might choose to have classroom instruction for only one subject and have the rest of the programme as distance learning. This is unfortunate, since it's imperative to have a certain amount of personal instruction for each subject.
- Proposal for (a):**  
The amount of time spent on actual classroom instruction shall not be less than 10 % for each individual subject of the course.
- comment 1071 comment by: *CAA Belgium*
- (b)

Proposal: Delete this paragraph or write:  
 "To this effect, classroom accomodation shall be available in a suitable facility.

Reason: actual text allows anything. Is not a rule.

comment 1247 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

Comment:

too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

Proposal:

Delete all the article OR.ATO.405

comment 1356 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 1 - OR.ATO.405 Classroom instruction

**Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

**Comment:**

too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

**Proposal:**

Delete all the article OR.ATO.405

comment 1387 comment by: *KLM*

**Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

**Comment:**

too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

**Proposal:**  
Delete all the article OR.ATO.405

comment

1535

comment by: *Deutsche Lufthansa AG***Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

**Comment:**

too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

**Proposal:**

Delete all the article OR.ATO.405

comment

1608

comment by: *bmi***Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

**Comment:**

too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

**Proposal:**

Delete all the article OR.ATO.405

comment

1850

comment by: *International Air Transport Association (IATA)***Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

**Comment:**

Too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

**Proposal:**

Delete article OR.ATO.405

comment

1888

comment by: *AIR FRANCE***Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the

course.

**Comment:**

too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

**Proposal:**

Delete all the article OR.ATO.405

comment

1998

comment by: *Virgin Atlantic Airways*

**Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

**Comment:**

There should be no prescriptive time limit on actual classroom instruction. This should be left at the discretion of the operator.

**Proposal:**

Delete all the article OR.ATO.405

comment

2048

comment by: *TNT Airways*

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses.  
The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

**Comment:**

The duration of classroom training should not be fixed but left open in the process of approval of the ATO.

**Proposal:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses.  
The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course or as otherwise agreed with the competent authority.

comment

2102

comment by: *Irish Aviation Authority*

para (b) - this is stating the obvious! classroom accomodation can only be in one place or another! Suggest this para is deleted. sw 280509

comment

2135

comment by: *CAA Norway*

OR.ATO.405(b)

This paragraph adds nothing to the requirement in 405(a). To us, it is obvious that classroom(s) have to be available, for the ATO to fulfill the requirement for 10% classroom instruction.

Delete paragraph.

comment 2197

comment by: *Icelandair*

**Relevant text:**

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

**Comment:**

too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

**Proposal:**

Delete all the article OR.ATO.405

comment 2378

comment by: *FINNAIR*

Relevant text:

(a) An element of classroom instruction shall be included in all subjects of modular distance learning courses. The amount of time spent in actual classroom instruction shall not be less than 10% of the total duration of the course.

Comment:

too prescriptive. There should be no prescriptive time limit on actual classroom instruction. Regarding the modern possibilities of distant learning, this should be left at the discretion of the operator and shall be included in the course approval.

Proposal:

Delete all the article OR.ATO.405.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 1 - OR.ATO.410 Instructors**

p. 17

comment 130

comment by: *DCA Malta*

**OR.ATO. 410**

Delete (b)  
It adds no value.

comment 255

comment by: *CAE*

OR.ATO.410 (b)

The initial training done for instructors of a training organization should be allowed at any of the organizations locations. Prefer:  
"The instructors' initial training shall take place at the principal place of business of the ATO or one of its satellite locations."

comment	293	comment by: <i>Susana Nogueira</i>
	(b) Delete paragraph	
comment	371	comment by: <i>Aero-Club of Switzerland</i>
	Question before commenting: Why must the instructors initial training take place at the ATO's principal place of business?	
	Proposal: Delete this requirement.	
	Justification: There may be better suited places than the principal place of business. Is it up to the operator to decide, not to the NAA, not to the Agency: The operator pays the bills...	
comment	689	comment by: <i>Royal Danish Aeroclub</i>
	We see no reason for the instructors' initial training to take place at the principal place of business of the ATO. The important thing is the quality of the training - not the place of the training.	
	Delete the paragraph OR.ATO.410 (b).	
comment	884	comment by: <i>Boeing</i>
	<i>OR.ATO.410</i> <i>Para (b)</i> <i>page 17</i>	
	We request that EASA delete this requirement. The requirement of paragraph (b) is an unnecessary burden on ATO's, as training for these instructors can be done at any site the organization uses.	
	<b>JUSTIFICATION:</b> "Principal place of business" is defined in OR.GEN.001(b) as "the organization site from which the majority of the organisation's management personnel . . . directs, controls, or coordinates its operational activities, ensuring that the organisation complies with the requirements of this Part."	
	Nowhere does it specify that there needs to be an actual classroom or instructors present. This would cost additional time, travel expenses, etc., which are unnecessary.	
comment	1128	comment by: <i>CAA Belgium</i>
	(b) Delete paragraph.	
comment	1617	comment by: <i>Graham HALLETT</i>
	Paragraph (b): Why? I can think of no reason why this training has to take place at any particular place. If there is some reason, such as access to certain facilities, or personnel, etc, then this requirement should refer to those requirements, rather than by location. If not, then this paragraph should be deleted.	

comment 1790 comment by: *Swiss Power Flight Union*  
 We are not agree. Delete Letter (b).

comment 2101 comment by: *Irish Aviation Authority*  
 (b) why should the initial training for an Instructor take place at the *principal* place of business of the ATO? - suggest this para is deleted sw 280509

comment 2136 comment by: *CAA Norway*  
 OR.ATO.410(b)  
 Why it is required that instructors initial training should take place at the principal place of business of the ATO?  
 The regulation should focus on the contents and quality of training, not the location.  
 Delete paragraph.

comment 2308 comment by: *Danish Powerflying Union*  
 We suggest EASA to delete **OR-ATO.410 (b)**.  
 We see no need for the instructors' initial training to take place at the principal place of business of the ATO. The quality of the training must be the most essential.

comment 2428 comment by: *FlightSafety International*  
 This is an unnecessary burden on ATO's, as training for these instructors can be done at any site the organization uses. Please remove this requirement.  
 Principal place of business is defined as in OR.GEN.001 (b) as "the organization site from which the majority.....of this Part." Nowhere does it specify that there needs to be an actual classroom or instructors present. This would cost additional travel expenses etc which are unnecessary.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 2 - OR.ATO.430 General**

p. 18

comment 809 comment by: *ENAC TLP*  
 in the second paragraph sub letter (b) should be specified the concept of "sufficient operational experience on the aeroplane type" in terms of hours/sector and should be added the requirement of experience on that type as TRI too.

comment 824 comment by: *AEA*  
**Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.  
In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Comment:**

Clarification needed on last paragraph :  
What is a sufficient operational experience?  
Who is about to assess this sufficient operational experience ?

comment

885

comment by: Boeing

OR.ATO.430  
Para (b)  
page 18

The TRI(A) requirement to have “sufficient operational experience on the aeroplane type” is subjective. Please include specifics.

**JUSTIFICATION:** The addition of more specifics in this paragraph is appropriate to avoid differences between Member States and to maintain a level playing field.

comment

1117

comment by: ECA- European Cockpit Association

Comment: add the requirements of EU OPS 1.945 (d):

**(c) A pilot, undertaking a zero flight time training (ZFTT) course, shall: 1. commence line flying under supervision as soon as possible within 21 days after completion of the skill test.**

**If line flying under supervision has not been commenced within the 21 days, the operator shall provide appropriate training acceptable to the Authority.**

**2. complete six take-offs and landings in a flight simulator, qualified in accordance with the requirements applicable to synthetic training devices and user approved by the Authority, not later than 21 days after the completion of the skill test.**

**This simulator session shall be conducted by a type rating instructor for aeroplanes (TRI(A)) occupying a pilot’s seat.**

**When recommended by a JOINT OPERATIONAL EVALUATION Board (JOEB) and approved by the Authority, the number of take-offs and landings may be reduced.**

**If these take-offs and landings have not been performed within the 21 days, the operator shall provide refresher training acceptable to the Authority;**

**3. conduct the first four take-offs and landings of the Line Flying Under Supervision in the aeroplane under the supervision of a TRI (A) occupying a pilot’s seat.**

Justification:

The recognized key point of ZFTT is the strict sequencing of training, in order to maximize the success of the training, it is essential that the EU OPS provisions are kept.

comment

1248

comment by: Swiss International Airlines / Bruno Pfister

Relevant text

:

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

Comment:

Clarification needed on last paragraph :

What is a sufficient operational experience?

Who is about to assess this sufficient operational experience ?

comment

1358

comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 2 - OR.ATO.430 General

**Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Comment:**

Clarification needed on last paragraph : What is a sufficient operational experience?

Who is about to assess this sufficient operational experience?

comment

1389

comment by: *KLM*

**Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Comment:**

Clarification needed on last paragraph :

What is a sufficient operational experience?

Who is about to assess this sufficient operational experience ?

comment

1536

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Comment:**

Clarification needed on last paragraph :  
 What is a sufficient operational experience?  
 Who is about to assess this sufficient operational experience ?

comment

1609

comment by: *bmi***Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Clarification needed on last paragraph :**

What is a sufficient operational experience?  
 Who is about to assess this sufficient operational experience ?

comment

1657

comment by: *CAA CZ*

OR.ATO.430 (b), page 18

We recommend to add „ATO“:

(b) Approval for ZFTT shall only be given if the **ATO**-operator has at least 90 days of operational experience on the aeroplane type.

comment

1730

comment by: *CAE*

OR.ATO.430 (b) page 18

The TRI (A) requirements to have “sufficient operational experience on the aeroplane type” are subjective. Furthermore, “specific arrangement” needs to be further defined. Please include specifics in both instances to avoid differences between Member States and maintain a level playing field

comment

1851

comment by: *International Air Transport Association (IATA)***Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Comment:**

Clarification needed on last paragraph :  
 What is a sufficient operational experience?  
 Who is about to assess this sufficient operational experience ?

comment

1889

comment by: *AIR FRANCE***Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Comment:**

Clarification needed on last paragraph :

What is a sufficient operational experience?

Who is about to assess this sufficient operational experience ?

comment

2006

comment by: *Virgin Atlantic Airways*

**Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Comment:**

Please define sufficient operational experience.

comment

2198

comment by: *Icelandair*

**Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

**Comment:**

Clarification needed on last paragraph :

What is a sufficient operational experience?

Who is about to assess this sufficient operational experience ?

comment

2380

comment by: *FINNAIR*

**Relevant text:**

(b) Approval for ZFTT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type.

In the case of ZFTT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional takeoffs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.

Clarification needed on last paragraph :

What is a sufficient operational experience?

Who is about to assess this sufficient operational experience ?

comment

2430

comment by: *FlightSafety International*

The TRI (A) requirements to have "sufficient operational experience on the aeroplane type" are subjective. Please include specifics.

To avoid differences between Member States and maintain a level playing field.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 -  
Chapter 2 - OR.ATO.435 Flight Simulation Training Devices**

p. 18

comment 230

comment by: ECA- European Cockpit Association

Comment: change text as follows:

OR.ATO.430 General

~~(a) **The flight simulator for ZFFT shall be fully serviceable. Approval for ZFFT, as specified in Part FCL, shall only be given to an ATO that also has the privileges to conduct commercial air transport or an ATO having a specific arrangement with a commercial air transport operator.**~~

~~(b) **Approval for ZFFT shall only be given if the operator has at least 90 days of operational experience on the aeroplane type. In the case of ZFFT provided by an ATO having a specific arrangement with an operator, the 90 days operational experience requirements will not apply if the TRI(A) involved in the additional take-offs and landings, as required in subpart OPS, has sufficient operational experience on the aeroplane type.**~~

Justification:

The requirement is not compliant with provisions of Appendix 1 to JAR FCL 1.261(c)(2), point 1 b.

comment 1901

comment by: AIR FRANCE

We propose to complete the paragraph b:

"The motion and the visual system of the flight simulator shall be fully serviceable **for ZFFT sessions.**"

Indeed for others trainings, some failures can occur with no impacts onto the training quality.

comment 2106

comment by: Irish Aviation Authority

1) As this Chapter is applicable only to ZFFT (which can only be achieved in a FFS), suggest that the title be changed to " Full Flight Simulator"

2) If agree with (1) above, then para (a) should be changed to read "(a) The **full** flight simulator...." sw 280509

comment 2137

comment by: CAA Norway

OR.ATO.435

The "flight simulator" mentioned in (a) and (b) is not in the FSTD list of definitions in OR.GEN.010. We assume it was intended to use "full flight simulator" to be in line with the definitions.

comment	2244	comment by: CAA Finland
	<p>Move to general requirement and amend. It is dangerous to mention in some sentences "fully serviceable". It shall be a common requirement. There is a risk for opposite interpretation; in other training than ZFTT the FSTD has not be serviceable.</p> <p>(a) The flight simulator approved for ZFTT shall be <b>fully</b> serviceable according to the management system criteria of the ATO.</p> <p>(b) <del>The motion and the visual system of the flight simulator shall be fully serviceable.</del></p>	

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 3**

p. 19

comment	1131	comment by: CAA Belgium
	<p>ATO is different from an AOC holder.</p>	
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment.</p>	

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 3 - OR.ATO.450 General**

p. 19

comment	3	comment by: GAAC
	<p>The requirement for 'or a specific arrangement with a commercial air transport operator' is felt to impose an unfair restriction on the trainee when qualified.</p> <p>It is requested that the wording be changed to 'or it has an acceptable manual defining generic standard operating procedures applicable to an air transport operator'.</p>	
comment	231	comment by: ECA- European Cockpit Association
	<p>Comment: change text as follows:  The privileges to conduct MPL integrated training courses and MPL instructor courses shall only be given to an ATO if it also has the privilege to conduct commercial air transport <b>with an EU OPS agreement</b> or <b>with</b> a specific arrangement with <b>an EU</b> commercial air transport operator.</p> <p>Justification:  It should be specified that the link with operator shall be restricted to an EU operator as in JAR FCL. The quality of an MPL is based on the cooperation between the operator and the training organisation. Therefore it requests this operator to be at EASA standard. In addition, the quality loop is mainly based on the first online experience that also requests that the operator is part of the EASA system.</p>	
comment	294	comment by: Susana Nogueira
	<p>Delete 'the privilege to conduct commercial air transport or'</p>	

A FTO is not holder of an AOC and not have privileges to conduct commercial air transport

comment 1610

comment by: *bmi*

Comment: The flight testing courses in this article are not defined. There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 2140

comment by: *CAA Norway*

OR.ATO.450

This paragraph needs to be reworded for two reasons:

1) An ATO as such can per se never have the privilege to conduct commercial air transport. The more common situation is for an AOC holder to also control a TRTO/ATO.

2) It must also be clarified if this is limited to AOCs issued according to EASA Parts, or if any AOC is acceptable.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 4 - OR.ATO.455 General**

p. 20

comment 9

comment by: *Giorgio Clementi*

Please explain how it will be determined what an "adequate" number of instrumented aircraft will be defined - Is it one? Two? all of them? As a responsible training provider and an experienced flight test professional, I have had the ability to decide that based on my understanding of the customer training needs. Is this going to be left up to an EASA inspector to decide on the spot? Will he be a graduate of a competing organisation? This requirement is too vague and open to interpretation.

(2) Many Heads of Flight Test Departments throughout industry are Flight Test Engineers. Why can the head of a flight test training organisation not be a Flight Test Engineer? I have had no particular difficulty in doing this for fifteen years. How much is extensive experience? Three years? More? Who decides and when?

comment 78

comment by: *ETPS CI*

OR.ATO.455 General

*(b) The training records shall include a written report by the student for any flight performed including, where applicable, data processing and analysis of recorded parameters relevant to the type of flight testing.*

**Comment 3:** Students can fly as many as 100 flights during a typical category 1 course. It is not good teaching practise for a report to be submitted on every flight. Recommend that students are required to submit reports on a suitable

number of the flights they undertake.

comment 202

comment by: DGAC FRANCE

**SUBPART ATO – APPROVED TRAINING ORGANISATIONS**  
**Section 4 – Additional requirements for ATOs providing specific types of training**  
**Chapitre 4 – Flight testing qualification courses**  
**OR.ATO.455 General**

*This chapter is deleted.*  
*All about flight test training are gathered in subpart AFTTO.*

comment 232

comment by: ECA- European Cockpit Association

Comment on paragraph (a)(4):  
 A text to state the requirements for the instructors and examiners for flight testing rating should be included.

**Justification:**

Nowhere it is stated what the requirements are for flight instructors and examiners for flight testing. The paragraph is incomplete and should be clarified in order to avoid misinterpretation.

comment 233

comment by: ECA- European Cockpit Association

Comment on paragraph (b):  
 All recorded parameters, as well as training records, shall be subject to flight data protection in the same way as CAT flight data are.

comment 356

comment by: UK CAA

**Page No:**  
 20 of 83

**Paragraph No:** OR.ATO.455

**Comment:**

This section sets the requirements for the approval of flight test schools and should be reviewed for practicality.

**Justification:**

The principle of establishing a standard for test pilot training and qualifications across Europe is supported. However, the practical implications of such an initiative are wide ranging and need to be considered more fully.

Most organisations training test pilots are run by the military. There is no infrastructure currently in place to qualify them as ATOs and the cost and practicality of doing so needs to be addressed.

comment 440

comment by: FlightSafety International

**Comment**

Since it is not defined or quantified in any document, the use of the word "extensive" is open to subjective opinion.

**Proposal**

Delete the word "extensive" from the requirement.

**Impact to FlightSafety**

The experience level of the HoT would be evaluated during the determination of his/her acceptability to the Authority.

comment 813 comment by: *Light Aircraft Association UK*

The LAA recommends the inclusion of a possibility for other organisations to give flight testing training for certain groups of aircraft. E.g. an airports organisation such as the LAA might be best positioned to provide flight test training on ELA aircraft.

comment 825 comment by: *AEA*

Comment: The flight testing courses in this article are not defined. There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 886 comment by: *Boeing*

*OR.ATO.455*  
*page 20*

Paragraph OR.ATO.455 incorrectly assumes that all flight test organizations are qualified as ATOs. Foreign manufacturers training their own test pilots who will be used for test flights of that manufacturer only are not governed under this. Please provide an exemption, as under JAR-FCL 1.015, App. 3, for manufacturers' pilots.

**JUSTIFICATION:** Our suggested change is appropriate in order to provide customer support from the manufacturer for critical tests and to allow manufacturers to train their own test pilots without requiring an ATO approval.

comment 1202 comment by: *French gov - DGA - FRENCH FLIGHT TEST CENTER*

This chapter is completely deleted.  
All about "flight test training" are gathered in subpart AFTTO.

comment 1249 comment by: *Swiss International Airlines / Bruno Pfister*

Comment: The flight testing courses in this article are not defined. There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 1360 comment by: *TAP Portugal*

B. Draft Rules - III. Draft Opinion Part-OR - Subpart ATO - Section 4 - Chapter 4 - OR.ATO.455 General

**Comment:** The flight testing courses in this article are not defined. There should be clearly stated that this requirement is applicable to flight

testing categories 1 & 2 only.

comment 1392 comment by: KLM

Comment: The flight testing courses in this article are not defined. There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 1537 comment by: Deutsche Lufthansa AG

Comment: The flight testing courses in this article are not defined. There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 1853 comment by: International Air Transport Association (IATA)

The flight testing courses in this article are not defined. There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 1907 comment by: AIR FRANCE

Comment: The flight testing courses in this article are not defined. There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 2002 comment by: Walter Gessky

**OR.ATO.455 General**

Change the following in (a)(1)

(1) its fleet of training aircraft contains an adequate number of aircraft appropriately equipped with flight testing instrumentation. **The traini ngs aircraft may be leased only for the trainings courses.**

Justification:

It should be noted, that the ATO might lease an aircraft only for a specific trainings course.

comment 2008 comment by: Virgin Atlantic Airways

**Comment:** The flight testing courses in this article are not defined.

comment 2075 comment by: MOT Austria

**OR.ATO.455 General**

Change the following in (a)(1)

(1) its fleet of training aircraft contains an adequate number of aircraft appropriately equipped with flight testing instrumentation. **The traini ngs aircraft may be leased only for the trainings courses.**

Justification:

It should be noted, that the ATO might lease an aircraft only for a specific trainings course.

comment 2078 comment by: ERA

The flight testing courses in this article are not defined.  
There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 2199 comment by: *Icelandair*

Comment: The flight testing courses in this article are not defined.  
There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 2245 comment by: *CAA Finland*

Delete. Flight testing is a very rare and specific area of aviation. There is no need to have it on common rules. Otherwise there should be courses for more common activities like helicopter pillar lifting, fertilizer spraying, water bombing etc.

comment 2382 comment by: *FINNAIR*

Comment: The flight testing courses in this article are not defined.  
There should be clearly stated that this requirement is applicable to flight testing categories 1 & 2 only.

comment 2411 comment by: *FAA*

**OR.ATO.455 General** How would aircraft manufacturers who currently have a in-house training programs for their flight test personnel and qualification programs for their flight test employees be qualified under this provision? No AMC material is provided.

**Recommendations:**

Develop a grandfather provision for manufacturers who currently have in-house flight test pilot training and qualification programs.

Develop AMC materials to provide guidance to the acceptable methods of compliance.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart AEMC - Section 1 -  
OR.AeMC.005 Scope**

p. 21

comment 1057 comment by: *Fédération Française Aéronautique*

FFA proposes to change the words "to qualify for the issue", which is misleading because no qualification (as defined under Part FCL) is involved when applying for an approval, into the words "to apply for an approval".

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart AEMC - Section 1 -  
OR.AeMC.015 Application**

p. 21

comment 150 comment by: *DGAC FRANCE*

OR.AeMC.015(b)

Comment :

It is more appropriate to have attachments to the best medical specialists, clinics and departments that may be located in different centres. This is what we believe was meant by the text JAR-FCL 3.

Modification :

~~b)..... provide details of clinical attachments to a designated hospital or medical institution~~

**b).....Provide details of clinical attachments to hospitals and medical institutions.**

comment

357

comment by: UK CAA

**Page No:**

21

**Paragraph No:** OR.AeMC.015 (b)

**Comment:** Reference to designation of a particular hospital or medical institution is inappropriate.

**Justification:** It is important to have a clinical interface but this may be with a number of different hospitals or specialist units.

**Proposed Text :** Delete ' to a designated hospital or medical institution' so that the text reads:

'..., **provide details of clinical attachments.**'

comment

413

comment by: Civil Aviation Authority of Norway

Comment to section (b):

The requirement for an affiliation to a designated hospital or medical institution is inappropriate. In Norway we have at the time being one AeMC, situated in Oslo. Applicants come from the whole country to Oslo, and in case of need for further assessment by specialists they will be transferred to a reliable health care provider in the vicinity of their place of living. We therefore propose to delete the wording: "provide details of clinical attachments to a designated hospital or medical institution", and replace it with: "provide details of clinical attachments to hospitals and medical institutions".

comment

581

comment by: European CMO Forum

**OR.AeMC.015(b)**

**Comment:**

The requirement for there to be a designated hospital or medical institution is inappropriate.

**Justification:**

It is more appropriate to have attachments to the best medical specialists, clinics and departments that may be located in different centres. This is what

we believe was meant by the text JAR-FCL 3.

**Proposed Text:**

Delete 'provide details of clinical attachments to a designated hospital or medical institution' and change to

**'Provide details of clinical attachments to hospitals and medical institutions'.**

comment

1011

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

This paragraph mixes different items which should be more clearly separated:

Point (a) refers to MED.C.005 which only contains the requirements for the approval of individual AMEs.

Point (b). It is more important to have documentation of which technical facilities and individual specialists being attached to the AeMC

**Proposal:**

**OR.AeMC.015 Application** should be amended:

(a) verify that all employed AMEs comply with PartMedical MED.C.005; and

(b) in addition to the documentation for the approval of an Organisation required in OR.GEN.015, provide details of the technical facilities and individual specialists being attached to the AeMC

comment

1554

comment by: *Irish Aviation Authority*

(b) The requirement to have a designated hospital or medical institution could be out. It is wiser to have attachments to the best medical specialists, clinics and departments that might be located in different centres. This is what is considered to be the intention of JAR-FCL 3.

Delete 'provide details of clinical attachments to a designated hospital or medical institution' and insert

**'Provide details of clinical attachments to hospitals and medical institutions'.**

**AR 27/05/09**

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart AEMC - Section 1 - OR.AeMC.035 Continued validity**

p. 21

comment

112

comment by: *AECA (SPAIN)*

(b) Repace drafted text by

**at least the number of class 1 medical examinations every year as determined by the competent authority**

Justification: Many countries are not able to perform 500 class 1 examinations every year. This regulation means an impossible, probably, for all countries having more than one AeMC.

comment

131

comment by: *DCA Malta***Proposal:****Delete paragraph (b)**

**As this paragraph discriminates against small states especially Malta because there are simply not enough applicants.**

**In case this is not accepted we are proposing 4 other options:**

(1) Replace 'at least 500 class 1 medical examinations every year.'

by

'at least the number of class 1 medical examinations every year as determined by the competent authority'.

(2) If 'as determined by the competent authority' is not acceptable then replace the '500' by '25' which is more or less the number of Initial Class 1 medical examinations done in Malta .

(3) If (1) and (2) are not accepted add a new paragraph (c)

(c) paragraph (b) does not apply in the case of small states which cannot meet this requirement..

(4) if (1)(2)(3) of the above are not accepted and independent of the final wording of OR.AeMC.035(b) amend to the effect that:

**"Each State will have the right to have one AeMC".**

**Reason:** In a small country where the total pilot population is small the total number of class 1 medical examinations per year for the whole country is consequently much less than 500, and so requirement (b) cannot be met.

A requirement higher than 25 **would mean that Malta would not be able to have an AeMC which would be discriminatory and Maltese pilots will have to go abroad for their initial medical assessment at significant additional costs to obtain a class 1 medical certificate.**

The bottom line is that a way has to be found so that small States, will have at least one AeMC.

comment

296

comment by: *Susana Nogueira*

(b) Delete paragraph

or change by:

(b) having performed the number of class 1 medical examinations every year as determined by the competent authority

The proposal is impossible in major part of States.

The AeMC was approved without experience and is banned the following year after approval because not arrive at 500 medical examinations ...

comment	358	comment by: UK CAA
<p><b>Page No:</b> 21</p> <p><b>Paragraph No:</b> OR.AeMC.035 (a)</p> <p><b>Comment:</b> (a) refers to MED.C.030 which are the requirements for the approval of individual AMEs.</p> <p><b>Justification:</b> AME approval requirements are not relevant for specialists working in the AeMC so the reference to 'medical staff' needs to be changed to 'AMEs'.</p> <p><b>Proposed Text :</b> Delete 'medical staff' and insert '<b>aeromedical examiners</b>'.</p>		
comment	359	comment by: UK CAA
<p><b>Page No:</b> 21</p> <p><b>Paragraph No:</b> OR.AeMC.035 (b)</p> <p><b>Comment:</b> It is assumed that (b) refers to a collective requirement for the AeMC as an organisation and not to the individual AMEs within the AeMC.</p> <p>The principle of having a minimum annual number of examinations is strongly supported. 500 examinations is only 10 per week which is the minimum that is satisfactory to maintain aviation medicine expertise.</p>		
comment	414	comment by: Civil Aviation Authority of Norway
<p>Comment to section (a): Section (a) refers to MED.C.030 that defines the requirements for the approval of AMEs. An AeMC usually have affiliated specialist as part of the organisation. They should not have to comply with AME approval criteria. We therefore propose to delete "medical staff" and replace it with "aeromedical examiners" and change (a) to "complying with Part Medical".</p> <p>Comment to section (b): The requirement for 500 class 1 medical examinations per year is inappropriate. In a minor country you won't have a pilot population that generates 500 examinations per year. This number has to be reduced. In case a new AeMC is established it will take time to establish customer relations and a normal activity. We therefore propose to delete the wording: "having performed at least 500 class 1 examinations every year", and replace it with: "having performed minimum 300 class 1 examinations within the last 3 years".</p>		
comment	583	comment by: European CMO Forum
<p><b>OR.AeMC.035(a)</b></p> <p><b>Comment:</b> (a) refers to MED.C.030 which only contains the requirements for the approval of individual AMEs.</p>		

**Justification:**

AME approval requirements need to be confirmed in this section. Other medical staff, for example specialists may form part of the organisation but should not have to comply with AME approval criteria. The AMEs need to comply with all Part Medical.

**Proposed Text:**

Delete 'medical staff' and insert '**aeromedical examiners**' and change (a) to '**complying with Part Medical**'.

comment 590

comment by: *European CMO Forum***OR.AeMC.035 (b)****Comment:**

A fixed minimum number of class 1 examinations to be undertaken annually by an AeMC should not be stated in the IRs. In smaller member states the total number of class 1 examinations may be far less than 500 per year.

It is important for each Member State to have at least one AeMC. If there is more than 1 AeMC the AeMC should undertake a reasonable volume of aeromedical examinations and assessments.

**Justification:**

A minimum number of annual examinations is required to maintain sufficient aviation medicine expertise.

**Proposed Text:**

**Amend O R.AeMC.035 (b) to: 'having performed at least 5 00 Class 1 aeromedical assessments every year (averaged over a 3 year period).'**

**Add new OR.AeMC.035 (c)**

**'Notwithstanding OR .AeMC.035 (b) each State shall approve at least one AeMC.**

**Add new AMC to OR.AeMC.035 (b) on page 82**

**(i) Notwithstanding OR.AeM C.035 (b) t he Auth ority m ay ap prove an additional AeMC in States where the annual volume of Class 1 medical assessments is low.**

**(ii) Notwithstanding OR.AeMC.035 (b) the Auth ority may approve additional AeMCs in overseas territories when required.'**

comment 1012

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)***Comment:**

This paragraph mixes different items which should be more clearly separated: Point (a) refers to MED.C.030 which contains the requirements to hold an AME certificate valid, which is not relevant for the rest of the AeMC medical staff. Point (b) obviously refers to the organisation, not to each AME.

A fixed number of class 1 examinations should not be stated in the IRs. In smaller Member States the total number of class 1 examinations may be far less than 500 per year. This would have the consequence that some Member

States will be prohibited to have an AeMC. The provisions in Part-MED that the number of AMEs can no longer be limited will most probably result in individual AMEs carrying out most of the renewal examinations, leaving mainly initial class 1 examinations to the AeMCs. The effect would be that well-functioning AeMCs in medium-sized, or even large, Member States will not reach the proposed limit of 500 class 1 examinations per year.

**Proposal:**

There should be a more clear separation of the requirements relating to individual staff working at the AeMC from those relating to individual AMEs or to the organisation.

No fixed number of examinations should be mentioned in the IRs.

comment

1073

comment by: CAA Belgium

(b)

Proposal: Delete this paragraph or replace by "having performed the number of class 1 medical examinations every year as determined by the Competent Authority".

Reason: the proposed figures are not realistic in small countries, in military AeMC's who are also open for civil pilots, etc...

comment

1130

comment by: Irish Aviation Authority

(b) will preclude some small MS from operating any AeMC.

(b) should be amended to read: (b) **if there is more than one AeMC in any MS, each AeMC** having performed at least 500 class 1 medical examinations every year. †

DCr 260509

(a) refers to MED.C.030 which contains only the requirements for the approval of individual AMEs.

AME approval requirements must be confirmed in this section. Other medical staff, like specialists may form part of the organisation but do not have to comply with AME approval criteria. The AMEs must comply with all Part Medical.

Delete 'medical staff' and insert '**aeromedical examiners**' and insert (a) to '**complying with Part Medical**'.

**AR 27/05/09**

comment

1199

comment by: DCAA

(b) *having performed at least 500 class 1 medical examinations every year;*

This text should be deleted. It is not possible for minor States, such as Iceland, to have 500 class 1 medical examinations every year.

comment

1201

comment by: DCAA

Add:

e) (e) situation decided by the competent authority

comment

1658

comment by: CAA CZ

OR.AeMC.035 (b), page 21

It should be stated, what happens if the AeMC do not issue 500 class 1 MC within one year. Especially smaller states will have a problem to meet this condition. Will the competent authority have to remove the existing authorization and will AeMC have to ask again for a new approval? We recommend reducing this number or supplement by requirements that will derogate this AeMC experience.

comment

2250

comment by: CAA Finland

Amend. Justification in relation with the total number of medical certificates is required. Some states have very limited number of licenses or medicals issued.

(b) having performed at least 500 **(or 5% of the total number of medical certificates issued)** class 1 medical examinations every year;

comment

2318

comment by: Icelandic CAA

(b) The requirement for AMC to perform at least 500 class 1 medical examinations appears to come out of the blue without any justification. This requirement is not necessary when other relevant conditions are fulfilled. This would cause direct operational difficulties in small states and some remote areas in Europe. To be removed.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart AEMC - Section 1 -  
OR.AeMC.045 Findings**

p. 21

comment

132

comment by: DCA Malta

**OR.AeMC.045**

It has to be clear that the level 1 findings are not limited to those included

comment

297

comment by: Susana Nogueira

The following shall be considered as level 1 findings, **but not limited to:**

Given examples are standing only as information, not limited.

comment

415

comment by: Civil Aviation Authority of Norway

This random list of class 1 findings can not be regarded as complete. We therefore propose to add other findings such as:

- No management system
- Inadequate medical expertise or technical facilities
- Failure to insure medical confidentiality

comment

487

comment by: UK CAA

**Page No:**

21

**Paragraph No:** OR.AeMC.045**Comment:** There may be other Level 1 findings.**Justification:** All potential Level 1 findings should be addressed here.**Proposed Text (if applicable):** Substitute OR.AeMC.045 with:**The following shall be considered as Level 1 findings:****(a) The lack of a management system.****(b) The lack of nominating a Head of AeMC.****(c) The lack of adequate medico-technical facilities.****(d) Failure to ensure data protection or confidentiality of medical records.****(e) Failure to provide the medical assessor or the Agency with the medical and statistical data for oversight purposes.**

comment 584

comment by: *European CMO Forum***OR.AeMC.045****Comment:**

Other Level 1 findings may exist. The list is not complete.

**Justification:**

Other Level 1 findings may need to be considered.

**Proposed Text:**

Add other Level 1 findings e.g.:

(d) No management system.

(e) Inadequate medical or technical facilities.

(f) Failure to ensure confidentiality of medical records.

comment 1074

comment by: *CAA Belgium*

Add the words "but not limited to" at the end of the first sentence.

comment 1135

comment by: *Irish Aviation Authority*

Having a list in a rule can be construed as the list being the only reasons for having a level 1 finding. Lists like this should be in the AMC material. Otherwise it should be made clear that the list is not limiting.

e.g. The following shall be considered as, **but not limited to,** level 1 findings:  
DCr 260509

Other Level 1 findings may exist. The list is incomplete. Other Level 1 findings could be considered.

Add other Level 1 findings like

(d) No management system.

(e) Inadequate medical or technical facilities.

(f) Failure to ensure confidentiality of medical records.

**AR 27/05/09**

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart AEMC - Section 2 -  
OR.AeMC 200 Management system**

p. 22

- comment 133 comment by: *DCA Malta*  
**OR.AeMC 200(b)**  
Delete
- comment 298 comment by: *Susana Nogueira*  
(b) Delete this paragraph
- comment 1013 comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*  
**Comment:**  
OR.GEN.200 consists of nine sections (a)(1-8) and (b), but OR.AeMC.200 seems to require only three of these to be fulfilled. If this interpretation is correct, there is an inconsistency that should not exist. The management requirements in OR.GEN should be the same for all organisations, including AeMCs. If the management requirements are different they should not appear in OR.GEN but be separately regulated in each subpart (OR.ATO, OR.AeMC, OR.OPS, etc).  
Point (b) is a new requirement compared to JAR-FCL which seems inappropriate to be included as mandatory in the IRs, but might be included in an AMC as a recommended activity.  
**Proposal:**  
*Option 1:* revise OR.AeMC.200 to be consistent with OR.GEN.200;  
*Option 2:* delete OR.GEN.200 and insert relevant sections in corresponding paragraphs of OR.ATO, OR.AeMC and OR.OPS.  
Move (b) to an AMC to OR.AeMC 200
- comment 1075 comment by: *CAA Belgium*  
(b)  
Proposal: Delete this paragraph.  
Reason: Not all AeMC's should conduct research work.
- comment 1203 comment by: *DCAA*  
(b) to conduct aeromedical research and publish the results;  
It shall not be a requirement to conduct aeromedical research only a possibility
- comment 1326 comment by: *Irish Aviation Authority*  
Under (b), it should not be compulsory to conduct aeromedical research. In a

small AeMC, it could be possible to identify individuals from the published results therefrom. A phrase such as 'if applicable' should be added.

DCr 270509

comment 2247 comment by: *CAA Finland*

Amend. It is good enough if AeMC is actively using the results of aeromedical research. There is no need to do that work.

~~(b) to conduct aeromedical research and publish the results;~~

comment 2342 comment by: *Icelandic CAA*

(b) Aeromedical research should not necessarily be carried out by AMC unless defined in a direct practical way.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart AEMC - Section 2 -  
OR.AeMC.210 Personnel requirements**

p. 22

comment 134 comment by: *DCA Malta*

**OR.AeMC.210**

There has to be a provision for the certificates to be signed by a deputy in his absence.

comment 234 comment by: *ECA- European Cockpit Association*

Comment: change text as follows:

An AeMC shall:

(a) nominate an AME as head of the AeMC, with privileges to issue class 1 medical certificates and sufficient experience in aviation medicine to exercise their duties. They shall be responsible for coordinating the assessment of results and sign reports and certificates;

(b) have on staff an adequate number of fully qualified Authorised Medical Examiners (AMEs);

**(c) establish procedures for medical certification in compliance with Part Medical and to ensure medical confidentiality in accordance with applicable national rules.**

Justification:

The paragraph added is a missing paragraph from the proposal made by the FCL.001, which cannot be deleted, due to legal confidential implications.

comment 299 comment by: *Susana Nogueira*

(a) Delete 'and sign reports and certificates'

This is a privilege of AMEs not only for the HEAD of the AeMC.

Is convenient this deletion to not stop the activity of AeMC in case of Head absence

comment 416 comment by: *Civil Aviation Authority of Norway*

Comment to section (a):  
 It is not practical to authorise exclusively the head of the AeMC to issue medical certificates. Medicals have to be issued without delay. The head of the AeMC should therefore be authorised to appoint certain AMEs that are part of the organisation to issue medicals. We therefore propose to change the requirement to the following:  
 "An AeMC shall:  
 (a) nominate an AME as head of the AMC, who privileges AMEs within the organisation to issue class 1 medical certificates. They shall be responsible for coordinating the assessment of results".

comment 488 comment by: *UK CAA*

**Page No:**  
22

**Paragraph No:** OR.AeMC.210 (a)

**Comment:** It is inappropriate for the Head AeMC to sign all certificates and reports.

**Justification:** 1) All AMEs with Class 1 privileges should be able to sign Class 1 medical certificates. 2) The AeMC will undertake a wide range of activity including revalidation and renewal examinations and the Head AeMC should not have to sign all reports and certificates. The oversight and supervision of AeMC activities is fully covered in the proposed EASA requirements.

**Proposed Text (if applicable):** amend 'and sign reports' to '**and signing of reports**'.

comment 489 comment by: *UK CAA*

**Page No:**  
22

**Paragraph No:** OR.AeMC.210 (b)

**Comment:** The term 'Authorised Medical Examiner' is not used in Part Medical.

**Justification:** The acronym 'AME' should be the same throughout all EASA requirements. Needs to be consistent.

**Proposed Text (if applicable):** Use 'Aviation Medical Examiner' or 'Aeromedical Examiner' as the term for 'AME' throughout all EASA requirements.

comment 585 comment by: *European CMO Forum*

**OR.AeMC.210 (a)**

**Comment:**  
 The Head AeMC may not always be able to sign all certificates and reports due to absence. Any AeMC member of staff who is a Class 1 AME and is designated

by the Head AeMC to sign certificates and reports should be able to do so.

**Justification:**

1) All AMEs with Class 1 privileges are qualified to sign Class 1 medical certificates and reports.

2) The AeMC will undertake a wide range of activity including revalidation and renewal examinations.

3) The oversight and supervision of AeMC activities is fully covered in the proposed EASA requirements.

**Proposed Text:**

amend 'and sign reports' to '**and the signing of reports and medical certificates**'.

comment 591

comment by: *European CMO Forum*

**OR.AeMC.210 (b)  
Change wording**

**Comment:**

AME is used as the acronym for 'Aeromedical Examiner' in Part Medical.

**Justification:**

Consistency.

**Proposed Text:**

Delete 'Authorised Medical Examiner' and use 'Aviation Medical Examiner' or 'Aeromedical Examiner' as the term for 'AME' throughout all EASA requirements in NPA 2008-17, NPA 2008-22 and NPA 2009-02.

comment

1014

comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Point (a) has mixed up singular and plural words. There is a need also to nominate one or more deputy heads of the AeMC to exercise the duties when the head is absent. The same qualifications should apply to the deputy head(s).

Point (b) should not only include AMEs, but also adequate number of other technical staff and experts needed, in line with OR.AeMC.215

**Proposal:**

Amend OR.AeMC.210 (a):

"nominate an AME as head of the AeMC and, as necessary, one or more AMEs as deputy head of the AeMC, with privileges to issue class 1 medical certificates and sufficient experience ..."

Amend OR.AeMC.210 (b):

"have on staff an adequate number of fully qualified Authorised Medical Examiners (AMEs) and other technical staff and experts needed to perform the

aeromedical examinations necessary for the exercise of the privileges included in the scope of the approval."

comment

1078

comment by: CAA Belgium

(a)

Proposal: Replace last sentence by "He/She shall be responsible for coordinating the assessment or results."

Reason: All AME's must be able to sign reports and certificates.

comment

1204

comment by: DCAA

An AeMC shall:

(a) nominate an AME as head of the AeMC, with privileges to issue class 1 medical certificates and sufficient experience in aviation medicine to exercise their duties. They shall be responsible for coordinating the assessment of results *and sign reports and certificates;*

*and sign reports and certificates should be deleted. Also the examining AME shall be able to sign assessments reports and certificates. If only head of the AeMC is allowed to sign then in his absence no reports pr certificates will be signed.*

comment

1559

comment by: Irish Aviation Authority

(a) The Head of nthe AeMC is not always be able to sign all certificates and reports due to absence. Any AeMC member of staff who is a Class 1 AME and is designated/authorised by the Head AeMC to sign certificates and reports must be able to do so.

1) All AMEs with Class 1 privileges are qualified to sign Class 1 medical certificates and reports.

2) The AeMC will undertake a wide range of activity including revalidation and renewal examinations.

3) The oversight and supervision of AeMC activities is fully covered in the proposed EASA requirements.

amend 'and sign reports' to '**and t he signing o f r eports an d me dical certificates**'.

**AR 27/05/09**

comment

1659

comment by: CAA CZ

OR.AeMC.210 (a), page 22

An AeMC shall:

(a) nominate **an AME** as **head of the AeMC**, with privileges to issue class 1 medical certificates and sufficient experience in aviation medicine to exercise **their his/her** duties. **They He/she** shall be responsible for coordinating the assessment of results and sign reports and certificates;

We recommend not to use "their" and "they" when the requirement is applied to "an AME" and "head of the AeMC" (one designated person). The intention of the second sentence should be clarified if only the "head of the AeMC" will be entitled to sign the issued MC, reports, etc.?

comment 1660

comment by: CAA CZ

OR.AeMC.210 (b), page 22

It should be specified more in detail (it is not in the AMC), what is the "adequate" number of the AME at AeMC.

comment 2251

comment by: CAA Finland

Amend. Head of AeMC shall nominate the AMEs accepted to sign reports and certificates; not to do all that by himself.

(a) nominate an AME as head of the AeMC, with privileges to issue class 1 medical certificates and sufficient experience in aviation medicine to exercise their duties. Head of AeMC nominates AMEs responsible for coordinating the assessment of results and sign reports and certificates;

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart AEMC - Section 2 -  
OR.AeMC.215 Facility requirements**

p. 22

comment 593

comment by: European CMO Forum

**OR.AeMC.215**

**Comment:**

The expression 'extensive aeromedical examinations' is a new entity not previously used in JAR FCL-3. If the expression is used in the compulsory IRs, it has to be defined. 'Extensive' might be interpreted as whatever is required in a compulsory routine aeromedical examination (as specified in Part MEDICAL) to every extremely qualified specialist and laboratory examination that might be required in contentious cases. A better approach would be to delete 'extensive'.

**Justification:**

Clarity.

**Proposed Text:**

Delete 'extensive'.

**B. Draft Rules - III. Draft Opinion Part-OR - Subpart AEMC - Section 2 -  
OR.AeMC.220 Record keeping**

p. 22

comment 490

comment by: UK CAA

**Page No:**

22

Paragraph No: OR.AeMC.220

**Comment:** See OR.GEN.220 (a) and the UK CAA comment on OR.GEN.200 (a): *It is unclear whether paras (a) 1 to 8 all apply to Aeromedical Centres or just paras 2, 4 and 6 as specified in OR.AeMC.200 (page 22).*

**Justification: Clarity.**

**Proposed Text (if applicable):** Change reference from OR.GEN.220 to '**OR.AeMC.200**'.

comment 592

comment by: *European CMO Forum*

### **OR.AeMC.220**

**Comment:**

The reference to OR.GEN.220 (a) is confusing (see our comment against this reference). It is unclear whether paras (a) 1 to 8 all apply to Aeromedical Centres or just paras 2 4 and 6 as specified in OR.AeMC.200 (page 22).

NB This is a duplication of MED.A.050 (d) so it would be better to delete the reference to OR.GEN.220 here.

**Justification:**

Clarity.

**Proposed Text:**

Either change the reference from OR.GEN.220 to '**OR.AeMC.200**' or **delete the reference entirely** as this is a duplication of MED.A.050 (d).

comment

1015

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Point (a) is a duplicate of MED.A.050 (d). If (b) is added to MED.A.050 (d) the whole section OR.AeMC.220 can be deleted to avoid the duplication.

For the authority, AR.MED.120 requires that all aeromedical records of licence holders shall be kept for a minimum period of 10 years after the expiry of their licence, irrespective of applicable national rules. The same requirement might be appropriate also for AeMCs, unless they are required to send all medical documents to the licensing authority for record-keeping by the licensing authority.

The Swedish national rules require a medical record to be kept at least 10 years after the last note has been made.

**Proposal:**

Move OR.AeMC.220 (b) to MED.A.050 (d) and delete the rest of OR.AeMC.220.

"In accordance with applicable national rules" should be changed to "for a minimum period of 10 years after the examination date".

comment 1155 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**GENERAL COMMENTS**

There are no cross-reference between the appendices, AMCs and GMs, clearly established in each IR article (such as in EU-OPS).

**GENERAL PROPOSAL**

Introduce such cross-references

- stating for each article of the IR whether there are AMCs or GMs attached
- referencing and naming them (such as in EU-OPS).

**JUSTIFICATION**

Clarity and understanding

We also note that in part AR, some Annexes, AMCs and/or GMS are not attached to any article. (see comments Appendix I to Annex 1)

We also note that in part OR, some articles refer to non existing Annexes, AMCs and/or GMs (see comments OR.GEN.040)

\*\*\*\*\*

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*This disclaimer has to be considered as an integrative part of the following comment.*

comment 2374 comment by: *European Sailplane Manufacturers*

AMC Material:

It is a well known problem that the AMC material will only be available in English language when supplied by the agency.

In case of small aviation this has already led to severe problems as many small companies like manufacturers or maintenance organisations for small aircraft have not the capability to read and understand these texts.

The argument used by the authorities was always that this is just and reasonable because such profit organisations want to earn money and then they have to get the means to comply with regarding regulations (including

understanding the AMC).

But if this principle is now applied to organisations in the small and sport aviation sector which are of a non-profit type like clubs and federations a complete chaos will be the result.

The AMC material does clearly show that it was written with commercial / professional organisations in mind.  
But additionally this material will not be usable for many non-profit organisations simply because they cannot understand it.

The European sailplane manufacturers clearly oppose this approach and ask EASA and the European commission for a suitable solution for the small and sport aviation sector.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN**

p. 23

comment 1082

comment by: *EUROPEAN GLIDING UNION*

General remark:

Most AMC/GM contradicts OR.GEN.200(b) where it is stated that systems/requirements will correspond to the size, nature and complexity of the activities.

We propose to make a set of rules / requirements appropriate and dedicated to air sports.

comment 2327

comment by: *Europe Air Sports PM*

General remark:

Most AMC/GM contradicts OR.GEN.200(b) where it is stated that systems/requirements will correspond to the size, nature and complexity of the activities.

Proposal:

EAS is ready to sit down with EASA to draft a set of rules / requirements appropriate and dedicated to air sports.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 1**

p. 23

comment 300

comment by: *Susana Nogueira*

All content of this section is OPS material and should be moved to the appropriate place.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 1 - AMC  
OR.GEN.030 Changes to the organisation's approval**

p. 23

comment 118

comment by: *Bristow Academy*

Has "*to*" been omitted?

AMC **to** OR.GEN.030  
 AMC **to** OR.GEN.035  
 AMC **to** OR.GEN.040

comment 174 comment by: DGAC FRANCE  
 AMC OR.GEN.030 and AMC OR.GEN.035 deals with OPS. remove AMC from part GEN to AMC to part OPS.

comment 491 comment by: UK CAA

**Page No:**  
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**Paragraph No:** AMC OR.GEN.030

**Comment:**  
This paragraph reflects AOC holders only. Similar information should be provided for other organisations in respect of timeframes and what constitutes organisational change.

**Justification:**  
Consistency between the same events associated with other organisations covered under this part.

**Proposed Text (if applicable):**  
Added text to the AMC for OR.GEN.030: -

APPLICATION TIMEFRAMES – OTHER ORGANISATIONS  
 The application for a change to the approval certificate or schedule for any other organisation or the change to any nominated person should be made to the competent authority at least 60 days prior to the change taking effect.

comment 742 comment by: CAA-NL

Comment  
It is suggested to make this AMC generic by increasing the amendmend time frame to at least 60 days.

Text proposal  
 AMC OR.GEN.030 Changes to the organisation's approval  
 APPLICATION TIME FRAMES  
 1. The application for the amendment of a certificate should be submitted at least 60 days, before the date of intended changes.

comment 975 comment by: Luftfahrt-Bundesamt

The time limit of 30 days is not suitable in every case. Depending on the intended change (eg new type of aircraft) it can be sufficient or not. From our point of view a wording "In a timely manner" should be implemented in this sentence.

Application time of 30 days seems pretty close, recommend 60 days.

comment 1080 comment by: CAA Belgium  
This is OPS and not GEN material.

comment 1156 comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**COMMENTS**

This AMC specifically refers to the AOC, while part OR-OPS is not yet published in the NPA 2008-22.

We do not understand the coherence between OR.GEN.030 and this AMC OR.GEN.030. Why impose specific delays only for AOCs and not for ATOs and other organizations?

**PROPOSAL**

Suppress this requirement from OR.GEN

If really necessary, maybe this AMC shall better refer to OR.OPS.015 or equivalent ?

**JUSTIFICATION**

Consistency

\*\*\*\*\*

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*This disclaimer has to be considered as an integrative part of the following comment.*

comment 1207 comment by: DCAA  
Should be transferred to PART OPS. This paragraph deals exclusively with OPS.

comment 1503 comment by: BMVBS (MoT Germany)

The time frame of 30 days is not suitable in every case. For more complex changes (eg new type of aircraft) it might not be sufficient. Therefore, a time frame of 60 days would be more appropriate.

Recommended amendment of the text:

1. The application for the amendment of an air operator certificate should be submitted at least ~~30~~ 60 days, before the date of intended operation.

comment 1944 comment by: *IACA International Air Carrier Association*

The time frame for reporting staff changes should not be defined by "hard" time but should read "at earliest opportunity". This is a good common practice currently, and it makes sense. Personnel matters cannot always be predicted for 10 days ...

Additionally, this should be a two-way street: AR.GEN.xxx shall require the competent authority shall handle these changes to the organisation's approval also within a specified timeframe.

comment 2107 comment by: *Irish Aviation Authority*

This para should be transferred to Part-OPS as it deals exclusively with OPS. sw 280509

comment 2142 comment by: *CAA Norway*

AMC OR.GEN.030

This is OPS material, not GEN, and should consequently be moved to OR.OPS to be in line with the structure of part OR as described by EASA.

comment 2253 comment by: *CAA Finland*

Amend. As OPS manuals need only to be acceptable to the authority and ATO manuals approved by, the changes to ATO shall be longer.

AMC OR.GEN.030 Changes to the organisation's approval  
APPLICATION TIME FRAMES —AOC HOLDERS

1. The application for the amendment of an air operator certificate should be submitted at least 30 days **and of an ATO certificate at least 60 days**, before the date of intended operation.

2. However, in the case of a change of a nominated post holder, the ~~operator~~ **organisation** should inform the competent authority at least 10 days before the date of the proposed change.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 1 - AMC OR.GEN.035. Continued validity-OPS**

p. 23

comment 175 comment by: *DGAC FRANCE*

AMC OR.GEN.030 and AMC OR.GEN.035 deals with OPS. remove AMC from part GEN to AMC to part OPS.

comment 235 comment by: ECA- European Cockpit Association

Comment: change text as follows:

Any person authorised by the competent authority **on inspecti on duty functions** should be permitted at any time to board and fly in any aircraft operated in accordance with an Air Operator Certificate and to enter and remain on the flight deck provided that the pilot in command may refuse access ~~to the cockpit~~ if, in his opinion, the safety of the ~~aircraft flight~~ would thereby be endangered. **If the inspecti on occurs during flight, the inspector shall hold a professional pilot license.**

Justification:

Safety or Security of the aircraft is the pilot in command responsibility, not only by this regulation, but by many other ones. In certain circumstances, it may be possible that he/she has to take the decision not to allow a person, whoever he/she is, to be in certain parts of the aircraft. Also, this prerogative can only apply when the person concerned is on duty.

Only a professional pilot has enough insight of a professional cockpit environment (e.g. the necessary non-technical skills to withdraw or stop the inspection if the flight conditions require it).

comment 295 comment by: Susana Nogueira

comment 594 comment by: UK CAA

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**Paragraph No:** AMC OR.GEN.035

**Comment:**

This paragraph is applicable to AOC Holders only. In this case the IR itself is clear for other organisations.

**Justification:**

Editorial change for clarity

**Proposed Text (if applicable):**

Change the subtitle of the AMC to read: -

ACCESS TO THE ORGANISATION - AOC HOLDERS

comment 743 comment by: CAA-NL

Comment

This AMC provides for an exemption from OR.GEN.035(b). That is not what an AMC is meant for. It is therefore suggested to delete it.

Text proposal

Delete AMC to OR.GEN.035

comment	<p>887</p> <p>AMC to OR.GEN.035 page 23</p> <p>We suggest this text be revised to state that access to the flight deck should be given to persons authorized by the competent authority only <i>"for the purpose of determining compliance with the requirements."</i></p> <p><b>JUSTIFICATION:</b> We consider our requested change appropriate in order to avoid abuse of this system.</p>	comment by: Boeing
comment	<p>1081</p> <p>Proposal: Delete "OPS" in the title.</p> <p>Reason: is valid for any organisation.</p>	comment by: CAA Belgium
comment	<p>1157</p> <p><b>COMMENTS</b> This AMC specifically refers to the AOC and AOCs' holders, while part OR-OPS is not yet published in the NPA 2008-22. We do not understand the coherence between OR.GEN.035 and AMC OR.GEN.035. OR.GEN.035 deals with general continued validity for any kind of organization, while AMC OR.GEN.035 defines the conditions for entering the cockpit of a commercial aircraft for survey purposes.</p> <p><b>PROPOSAL</b> Suppress this requirement from OR.GEN If really necessary, maybe this AMC shall better refer to OR.OPS.</p> <p><b>JUSTIFICATION</b> Consistency</p> <p><b>ADDITIONAL COMMENT AND PROPOSAL</b> Moreover, add "<u>or if there is no place in the cockpit</u>" at the end of the sentence : some flight decks have no jumpseat...</p> <p>*****</p> <p><i>Disclaimer :</i> <i>These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.</i> <i>The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.</i> <i>FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the</i></p>	comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

*first step of key issues identification.  
This disclaimer has to be considered as an integrative part of the following comment.*

comment 1208 comment by: DCAA

Should be transferred to PART OPS. This paragraph deals exclusively with OPS.

comment 2109 comment by: Irish Aviation Authority

This para should be deleted and transferred to Part-OPS as it deals exclusively with OPS sw 280509

comment 2143 comment by: CAA Norway

AMC OR.GEN.035

This is OPS material, not GEN, and should consequently be moved to OR.OPS to be in line with the structure of part OR as described by EASA.

comment 2433 comment by: FlightSafety International

Access to the flight deck should be given to persons authorized by the competent authority only "for the purpose of determining compliance with the requirements".

To avoid abuse of this system.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 1 - AMC  
OR.GEN.040 Declaration**

p. 23

comment 1 comment by: CHC Europe EASA Ops Team - representing 550 pilots across Europe

The definition of a change is not provided. Furthermore, in any ATO and AOC, things happens which makes a direct change required. Sudden changes are often notified in an AOC with the usage of a Flying Staff Instruction. This could be seen as a change but will never be submitted 14 days before.

Proposed solution; More clarification and definitions - on what is a change - are required. Also additional guidance and flexibility could be required depending the definition.

Initials DJ-CHC

comment 46 comment by: George Knight

This is unreasonable for small ATOs and clubs. It could result in clubs having to suspend operations for up to 14 days after the Annual General Meeting when new officers are elected, if a substitute instructor from another club is brought in to cover sickness, or id an aircraft is borrowed to cover unserviceability.

It is hard to see the purpose of this rule.

It would make more sense, if the authority really does have a need to know for such trivial changes, to require the small ATO teaching only non-professional pilots to advise the authority within 14 (or even 30 days) of the change - retrospectively.

comment

744

comment by: CAA-NL

Comment

For logistic reasons "14" should be replaced by "at least 30"

Text proposal

"Changes should be submitted at least 30 days before the change becoming effective."

comment

976

comment by: Luftfahrt-Bundesamt

The difference between OR.GEN030 and this paragraph is not clear. If there are changes with the operator / the operations, these have to be evaluated by the Authority at any rate. Therefore the time limit of 14 days is unacceptable.

comment

986

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)**Comment:**

As commented on OR.GEN.040 these declarations are also covering persons, not only organisations.

The time frame of 14 days before becoming effective will give the authority very short time to evaluate the changes, to decide if the changes are compliant or not, and to notify the person or organisation of the decision.

The national requirements in the health care sector requires notification 30 days in advance.

**Proposal:**

1. Duplicate this AMC in relevant parts/subparts to make it applicable to persons.
2. The time frame should be extended to at least 30 days.

comment

1158

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**COMMENTS & QUESTIONS**

We do not understand the purpose of this AMC

1/ Does this AMC really apply to OR.GEN.040 ?

2/ Meanwhile, there is nothing about initial declaration, just about changes; nothing neither within OR.GEN.030.

3/ A 2 week delay for notification could only be understood if there is a mandatory 2-week delay for answer.

\*\*\*\*\*

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*This disclaimer has to be considered as an integrative part of the following comment.*

comment 1209 comment by: DCAA

Should be transferred to PART OPS. This paragraph deals exclusively with OPS.

comment 1505 comment by: BMVBS (MoT Germany)

The time frame of 14 days is not suitable in every case. For more complex changes it might not be sufficient. Therefore, a time frame of 30 days would be more appropriate.

Recommended amendment of the text:

Changes should be submitted ~~14~~ 30 days before the change becoming effective.

comment 2110 comment by: Irish Aviation Authority

This para should be deleted and transferred to Part-OPS as it deals exclusively with OPS sw 280509

comment 2144 comment by: CAA Norway

AMC OR.GEN.040

This is OPS material, not GEN, and should consequently be moved to OR.OPS to be in line with the structure of part OR as described by EASA.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2**

p. 24

comment 47 comment by: George Knight

This section is far too prescriptive for small organisations and flying/gliding clubs that which to become ATO to teach for LPL, PPL, SPL and BPL licences. Although this section provides some mitigation for small organisations it still makes the assumption that the organisations are commercial, profit making,

ATOs employing multiple full-time staff. Further simplification is necessary to make the proposals relevant and proportionate for small ATOs teaching students for recreational licences – especially those that are non-commercial clubs with few or zero full-time staff and working on a mainly volunteer basis.

The whole tone of this section seems to seek to extend EASA's remit into the area of industrial health and safety. Whilst what is presented is good motherhood the reality is that most of it is already in the remit of other government agencies such as the UK's Health and Safety Executive. The "HSE's job is to protect people against risks to health or safety arising out of work activities.". The ORs should limit themselves to matters that are aviation related and not addressed by other government agencies that have specific expertise in these health and safety matters. All that needs to be said is that organisations should have appropriate H&S measures in place in line with national legislation's requirements.

comment 144

comment by: *Aero-Club of Switzerland*

There are too many "should" in this safety-relevant Section 2!

Justification: The Agency and the NAA want to promote safety. In order to achieve this, the correct wording has to be applied.

comment 441

comment by: *FlightSafety International*

### **Comment**

This section is titled "Management System" when it is actually defining the requirements for the Safety Management System.

### **Proposal**

Change the title to "Safety Management System" throughout the section referring to safety management, up to and including section AM to OR.GEN.200(a)(5)

### **Impact to FlightSafety**

There is much confusion in the NPA's in regard to safety management systems, compliance systems, quality systems, etc. making it difficult to determine the Authority's intent.

comment 1636

comment by: *Fédération Française Aéronautique*

FFA highlights that the essential requirements call for a safety management system and a quality management system. Besides, the Agency proposes to set them up under proportionate rules (see NPA 2009-22a page 62 "Executive Summary").

FFA fully supports this important principle.

So, FFA proposes to change the title of this section into "Safety and Quality management".

comment 2383

comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU considers that rules applying to non commercial, non profit training organisation is particularly unclear in this section.

EPFU requests clarification in all AMC of this section to avoid misunderstanding by stakeholders.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(1) Management System**

p. 24

comment 48 comment by: *George Knight*

This section is directed towards large commercial organisations and is extending EASA's remit into that belonging to other government agencies such as the UK's HSE.

- It should limit its scope to specific aviation matters not already addressed by other agencies.
- Make provision for small non-commercial organisations.

comment 94 comment by: *Keven BAINES - MD Baines Simmons Limited*

AMC to OR.GEN.200(a)(1) para 1. b. We believe that this sentence should read as follows, in order to ensure that there is a clear understanding as to what the organisation is committing to in terms of safety and its management, rather than a bland, compliance (potentially valueless box-ticking) exercise:

b. reflect organisational commitments regarding safety and its proactive and systematic management; and

comment 236 comment by: *ECA- European Cockpit Association*

Comment:

Paragraph (a)(1) 1. should be transferred to Implementing Rules.

Justification:

These are very important requirements, in line with ICAO requirements. ECA thinks this text should be considered as Implementing Rules, as leaving it in AMC could lead to non-ICAO compliant organizations.

comment 493 comment by: *UK CAA*

**Page No:** 24 of 83

**Paragraph No:** AMC to OR.GEN.200(a)(1)

**Comment:** The need for the Accountable Manager to endorse the Safety Policy should be in the rule. See UK CAA comment to OR.GEN.200(a)(1)

**Justification:** The commitment of the Accountable Manager to the safety policy is key to the entire safety management system.

comment 494 comment by: *UK CAA*

**Page No:**  
24

**Paragraph No:** AMC to OR.GEN.200(a)(1) Para 2c.

**Comment:** Guidance Material will need to be developed on Safety Performance Indicators, Safety Performance Targets and Safety Requirements.

**Justification:** It is our experience that industry and regulators need guidance on this issue. Otherwise, safety objectives across the EU will not be homogenous.

comment

495

comment by: UK CAA

**Page No:**

24

**Paragraph No:** AMC to OR.GEN.200(a)(1)**Comment:**

Reporting procedures and disciplinary policy should be a part of the Safety Policy as this is a fundamental part of hazard reporting systems and establishing a safety culture.

**Justification:**

ICAO Doc 9859 V2 chapter 8 - failure to include this could leave organisations out of compliance with the ICAO requirements.

**Proposed Text (if applicable):**

Add paragraph 1 d. include safety reporting procedures and include the conditions when disciplinary action would not be taken.

comment

496

comment by: UK CAA

**Page No:**

24

**Paragraph No:** AMC to OR.GEN.200(a)(1) 2(a)**Comment:**

Add the need for senior management to develop the safety policy.

**Justification:**

ICAO Doc 9859 V2

**Proposed Text (if applicable):**

Senior management should: **develop and** continuously promote...

comment

771

comment by: European Business Aviation Association (EBAA)

**AMC to OR. GEN.200 (a) (1)****2. c****Add "Guidance Material (GM) is provided for small operators"**Explanation:

The link between safety performance standards and safety performance indicators is difficult for small operators to achieve, as there are no well established rules for setting up such a system. Indeed, the development of

effective safety PIs is extremely challenging in that they have to give a true measure of an operator's safety performance without running the risk of inhibiting safety reporting. Larger operators have developed these over the years, with many disappointments and failures along the way. Rather than each operator having to develop their own, it is necessary for them to be issued with appropriate GM on best practice for measuring safety performance, supported by example PIs. Such GM can either be developed in house by EASA or simply cross referenced to industry best practice GM (e.g. IS-BAO, IBAC SMS Toolkit).

comment 905 comment by: *Royal Danish Aeroclub*

For organisations run by aeroclubs for members only, the point 2 is not "Senior management should..." is not necessary, and will be harmful to the aeroclubs. We see no flight safety benefits in the point 2a, 2b and 2c.

comment 923 comment by: *INAER*

**AMC to OR.GEN.200 (a) (1)**

Change safety policy to "management system policy", and senior management to top management.

comment 924 comment by: *INAER*

**AMC to OR.GEN.200 (a) (1)**

Include the commitments requirements to be included in the policy (specified in AMC 2 OR.GEN.200 (a) (3) 8.b, with following requirements:

**"Safety policy should include a commitment to:**

**Improve continuously the safety standards**

- **Observe all applicable legal requirements, standard and best practices**
- **Continually improve the effectiveness of the management system"**

and delete AMC 2 OR.GEN.200 (a) (3) 8.b. v., as it is redundant.

Note that it is not possible a commitment for the highest safety standards (which would be zero accidents rate), but for a continuing improvement of the actual ones. It would be also aligned with ISO 9001, 14001 and OHSAS standards.

comment 925 comment by: *INAER*

Include AMC to OR.GEN 200.(a) (1). 1.d: **"Top management should ensure that the policy is understood at all levels within the organization, and is reviewed for continuing suitability"**, in line with 5.3 EN ISO 9001:2008

comment 926 comment by: *INAER*

**AMC to OR.GEN.200 (a) (1)2.c**

**"the safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements"**

Suggestion:

**“the safety objectives and performance standards should be linked to the safety performance indicators. ”**

Argument:

The term “safety performance targets and safety requirements” is redundant, and an objective linked to a performance indicator should be enough. The compliance of a requirement can never be an objective, as it is a requirement, and it is not related to safety performance. Therefore, a safety objective should never be linked to safety requirements, as it is already compulsory by law to comply with those requirements, and the commitment of the top management is already included in the policy.

comment

1084

comment by: *EUROPEAN GLIDING UNION*

AMC OR.GEN.200 (a) (1) Management system

In the club environment it is not necessary to have a formal management / senior management structure.

The existing structures fulfil all needs, including a proportional level of safety management.

comment

1100

comment by: *AEA*

**Relevant Text:** “continuously”

**Comment:** “continuously” means every minute 24/7

**Proposal:** change to “continually” meaning on a constant manner, repeatedly

comment

1101

comment by: *AEA*

**Relevant text:**

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

**Comment:**

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment

1167

comment by: *ECA- European Cockpit Association*

Attachment [#5](#)

Comment: delete paragraph and replace with the following:

AMC to OR.GEN.200 (a) (1)

**Safety** Management System

SAFETY POLICY **AND OBJECTIVES**

[see text in attachment]

Justification:

To adequate the AMC structure to the ICAO SMS framework in order to avoid

the fragmentation and segregation performed by EASA current text and structures, which created inconsistency.

comment 1177 comment by: *Danish Balloon Organisation*

**AMC to OR.GEN.200(a)(1):**

We suggest that a new AMC be introduced as follows:

**AMC 1 to OR.GEN.200(a)(1) Management System**

SAFETY POLICY

**ORGANISATIONS RUN BY NATIONAL AEROCLUB AS SOCIATIONS FOR MEMBERS ONLY**

1. The safety policy should:

- a. be endorsed by the accountable manager;
- b. reflect organisational commitments regarding safety; and
- c. be communicated, with visible endorsement, throughout the organisation.

Justification: Items mentioned under "Senior management" should not be required for national aeroclub associations.

comment 1250 comment by: *Swiss International Airlines / Bruno Pfister*

"continuously"

Comment: "continuously" means every minute 24/7

Proposal:

replace by "continually"

comment 1251 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

Comment:

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment 1365 comment by: *TAP Portugal*

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(1) Management System

**Relevant Text:** "continuously"

**Comment:** "continuously" means every minute 24/7

**Proposal:** change to "continually" meaning on a constant manner, repeatedly

comment 1368 comment by: *TAP Portugal*

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(1) Management System

**Relevant text:**

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

**Comment:**

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment

1370

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(1) Management System

**Relevant text:**

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

**Comment:**

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment

1402

comment by: KLM

**Relevant Text:** "continuously"

**Comment:** "continuously" means every minute 24/7

**Proposal:** change to "continually" meaning on a constant manner, repeatedly

comment

1403

comment by: KLM

**Relevant text:**

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

**Comment:**

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment

1507

comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment

1538

comment by: Deutsche Lufthansa AG

**Relevant Text:** "continuously"

**Comment:** "continuously" means every minute 24/7

**Proposal:** change to "continually" meaning on a constant manner, repeatedly

comment 1539

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

**Comment:**

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment 1628

comment by: *British Airways Safety & Security*

Paragraph 2c refers to **safety performance indicators, safety performance targets and safety requirements, which** are not described or referenced anywhere else in the document. If they are to be used, they need to be defined.

comment 1637

comment by: *Fédération Française Aéronautique*

Taking into consideration the above mentioned consideration, FFA recommends changing the title of this paragraph into "Safety and Quality management system".

comment 1678

comment by: *CAA CZ*

AMCs to OR.GEN.200, pertaining to the SMS are not fully in line with ICAO SMS 4 basic components (safety policy and objectives, safety risk management, safety assurance and safety promotion) and 12 elements thereto with respect to content and structure and used terminology. It is necessary to bear in mind the fact, that a great majority of EU Member states implemented the ICAO Safety Management standards according to the relevant Annexes and in compliance with ICAO Doc 9859 SMM and further ICAO Guidance Material.

comment 1854

comment by: *International Air Transport Association (IATA)*

**Relevant Text:** "continuously"

**Comment:** "continuously" means every minute 24/7

**Proposal:** change to "continually" meaning on a constant manner, repeatedly

comment 1856

comment by: *International Air Transport Association (IATA)*

**Relevant text:**

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

**Comment:**

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment 1914

comment by: AIR FRANCE

**Relevant text:**

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

**Comment:**

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center?

comment 2079

comment by: ERA

Change "continuously" meaning every minute 24/7 to "continually" meaning on a constant manner, repeatedly.

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment 2200

comment by: Icelandair

**Relevant Text:** "continuously"

**Comment:** "continuously" means every minute 24/7

**Proposal:** change to "continually" meaning on a constant manner, repeatedly

comment 2201

comment by: Icelandair

**Relevant text:**

2. Senior management should:

c. establish safety objectives and performance standards. The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements.

**Comment:**

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment 2329

comment by: Europe Air Sports PM

AMC OR.GEN.200 (a) (1) Management system

In the club environment, particularly small air sports clubs run on a voluntary basis, it is not necessary to have a formal management / senior management structure.

The existing structures of most clubs fulfil the organisational needs, including a proportional level of safety management.

comment 2407

comment by: FINNAIR

Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

comment

2460

comment by: CB

"continuously"  
 Comment: typo  
 Proposal:  
 should be replaced to continually

comment

2461

comment by: CB

2.c  
 Is safety policy addressing only flight safety? if so, what are the safety requirements applicable to an Aero Medical Center? Whose safety is at stake?

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 1 to OR.GEN.200(a)(2) Management System**

p. 24

comment

159

comment by: DGAC FRANCE

**AMC 1 to OR.GEN.200(a)(2) Management System**

The AMC requires operators to develop hazard identification, risk analysis and mitigation processes "in a simplified manner". There are no guidance or acceptance criteria to guide those operators on what is acceptable. "simplified manner" is not a regulatory concept. This will lead to non uniform implementation throughout Europe and between operators. The only hints will be found in AMC 2 for **OR.GEN.200(a)(2)**. So small organisations will be required to implement all items to various non uniform degree. This is a safety risk.

The Agency should develop guidance for small operators in the form of GM. The deliverables of ESSI / ECAST / SMS – Safety culture working group does not address small operators hazard identification, risk analysis and mitigation processes and does not contain operational examples which might help small operators comply with the requirement. This is also an issue for the competent authority since no criteria exists to support oversight.

**PROPOSAL**

Dedicated GM should be developed. This was the mandate for ESSI/ECAST/SMS & safety culture working group. Such material is still missing.

The group should look for small operator support to develop meaningful operational guidance. Clear linkage with the EASA rulemaking process should be developed.

A task to develop GM for part AR should also be considered.

comment

189

comment by: DGAC FRANCE

**AMC 2 to OR.GEN.200 (a) (2)**

AMC is not coherent with ICAO

Ref. ICAO - AN Programme A2-SMS-SMS1: Safety management (AN-WP/8332 - 11/09/08)

Ref. ICAO Doc 9859 Safety Management Manual (SMM) Second Edition – 2008 (Advance edition – unedited)

This paragraph is not coherent with ICAO requirements and guidance material regarding SMS.

The 4 ICAO principles are not explicitly stated (safety policy & objectives, safety assurance, safety promotion). The new scheme proposed by the Agency would be detrimental and a burden for operators that have already started to implement a SMS based on ICAO requirements.

e.g.1 : "Proactive hazard identification processes should be the formal means..."

ICAO advocates for the combined use of predictive, proactive and reactive processes to perform hazard identification.

e.g.2: There is no reference to contracted activities in the safety risk management AMC 2 to OR.GEN.200(a)(2). However, contracted activities are mentioned in AMC 2 to OR.GEN.200(a)(3) Management System - 8. Documentation c. Management Manual. This is not coherent.

e.g.3: AMC 2 to OR.GEN.200(a)(2) Management System 1. Hazard identification processes: Confidential reporting systems should be based on established human factors: It would be informative for operators and competent authority to mention published references to such principles.

e.g.4: The AMC lacks any reference to the mitigation of risk to a level "as low as reasonably practicable". This reference is fundamental to any risk mitigation strategy. Otherwise the operator runs the risk of unbounded responsibility for any danger encountered in operations.

#### **Develop AMC based on ICAO material**

comment

396

comment by: *Civil Aviation Authority of Norway*

The description does give any additional information to the requirements in OR.GEN.200 (b), and therefore it may be deleted.

comment

772

comment by: *European Business Aviation Association (EBAA)*

#### **AMC (1) to OR. GEN.200 (a) (2)**

##### **1.**

#### **Insert "proactive" in front of hazard identification**

##### Explanation:

Proactive hazard identification based on established mission preparation processes is a vital process for small operators, because they normally operate to a large number of airfields –all differently equipped to varying standards of safety. Indeed, some are even outside controlled airspace and are served on an irregular schedule, requiring specific additional safety practices to be identified in advance and observed if the increased risk is to be managed effectively.

comment

855

comment by: *NATS*

It is difficult to see how the risk of an aircraft accident is adequately mitigated by this AMC.

comment

906

comment by: *Royal Danish Aeroclub*

Aeroclubs should be given same conditions as "Small organisations".

We suggest the text to read:

AMC 1 to OR.GEN.200(a)(2) Management System should be changed to:  
SAFETY MANAGEMENT SYSTEM – SAFETY RISK MANAGEMENT  
SMALL ORGANISATIONS **and organisations run by aeroclubs for members only**

1. The safety risk management system for small organisations **and organisations run by aeroclubs for members only** should include hazard identification, risk analysis and mitigation process, but would be expected to do so in a simplified manner.

2. The safety risk management system may use hazard checklists or similar risk management tools or processes, which are integrated into the activities of the organisation.

comment

927

comment by: *INAER*

**AMC 1 to OR.GEN. 200 (a) (2).1:**

Change "risk analysis" for "risk assesment", as it covers more steps of the process.

comment

1046

comment by: *European Gliding Union (EGU)*

AMC OR.GEN.200 (a) (1) Management system

The aero club/federation environment does not know a formal management/senior management structure. The present structures have proven that they are fulfilling the needs of pilot training.

AMC OR.GEN.200 (a) (2)

AMC OR.GEN.200 (a) (3)

AMC OR.GEN.200 (a) (4)

AMC OR.GEN.200 (a) (7)

As the definition of a "small" organisation is not fact based, all related items must be reviewed.

The given details are out of proportion.

Reference: AMC OR.GEN.200 (b) – Size, nature and complexity of the activity. This AMC mentions a kind of definition for "small" organisation for the first time in this document.

"Employed" is used again suggesting that the whole AMC material is only good for commercial application.

Training is given in a gliding club by instructors who are volunteers.No contract exist between the instructor and the club, except that he/she is a member.

In our clubs the mentioned number of "20" makes no sense as these

instructors are volunteers taking part in the club activities when they have time to do mainly on the weekends or during holidays. Large clubs may have up to 30 instructors giving training on maybe 60-80 days a year altogether, to maybe 5-10 students.

In our organisation we cannot work with the term "FTE" or full time equivalent. As no financial interest is involved training is not time critical but student focused and thereby leads to very well trained individuals.

comment 1178

comment by: Danish Balloon Organisation

**AMC 1 to OR.GEN.200(a)(2):**

We suggest that the AMC be amended as follows:

**AMC 1 to OR.GEN.200(a)(2) Management System**

SAFETY MANAGEMENT SYSTEM – SAFETY RISK MANAGEMENT

SMALL ORGANISATIONS and **ORGANISATIONS RUN BY NATIONAL AEROCLUB ASSOCIATIONS FOR MEMBERS ONLY**

1. The safety risk management system for small organisations and **organisations run by national aeroclub associations for members only** should include hazard identification, risk analysis and mitigation process, but would be expected to do so in a simplified manner.

2. The safety risk management system may use hazard checklists or similar risk management tools or processes, which are integrated into the activities of the organisation.

Justification: National aeroclub associations should be given same conditions as "Small Organisations".

comment 1508

comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1629

comment by: British Airways Safety &amp; Security

comment 1641

comment by: Fédération Française Aéronautique

FFA strongly supports the proportionate rule applicable to "Small organisations" applied in this AMC.

Nevertheless, the words "in a simplified manner" must be clearly defined, and the applicability to "Very small" organisations added (see our proposed definition in the FFA comment on page 1 above).

comment 1681

comment by: GE Aviation

The AMCs appear to be structured to provide a different standard of safety

based on the organization size. The process of safety monitoring should not be tied directly to organization size; other factors such as the criticality of the product and the existing internal disciplines within the organization may be more relevant. Ideally, the safety monitoring system should be set up so that organizations which are managing their risks less well would be influenced to improve their internal processes, and organizations with good risk management processes could continue their existing process.

comment 1792

comment by: ACI EUROPE

The specific distinction between *small organisations* and *other organisations* in the AMC makes it necessary to provide a definition of "small" in this regard. No such definition is offered in the draft decision.

comment 1957

comment by: Ryanair

Comment

AN ATO that is a subsidiary of an AOC holder which has an established SMS should be permitted to be included in the AOC SMS structure. Where specific needs arise out of a particular training activity e.g. aircraft training during a Type Rating course, the AOC SMS must recognise this and include it in its system.

comment 2000

comment by: Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.

The specific distinction between *small organisations* and *other organisations* in the AMC makes it necessary to provide a definition of "small" in this regard. No such definition is offered in the draft decision.

comment 2379 

comment by: Klaus HARTMANN

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland. Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)

2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.

3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren

und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 - 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus. Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren. Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freiballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freiballonführer BPL/LPL(B)' geben.**

Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini – ATO allgemeiner Art möglich.

Für Mini – ATO's BP L/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manualls' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini –ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini – ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini – ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch senior examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.

Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportflarten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini – ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.

Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglich sein.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC  
2 to OR.GEN.200(a)(2) Management System**

p. 24-25

comment

24

comment by: Alteon

NPA 2008-22c throughout

Safety Management Systems and Compliance Management Systems

change all over the document SMS and CMS by QMS

*Alteon comment:*

In general considered more adequate Quality Management Systems naming convention which captures both concepts of safety and compliance

comment

67

comment by: British Gliding Association

This requirement is disproportional and entirely unsuitable to non-commercial, fundamentally volunteer resourced gliding flight training that has a history of high quality oversight by gliding federations.

All gliding federations within the EU train pilots to a minimum of the ICAO Annex 1 requirement. The supporting structure, including flight instructor and examining resources have been developed to meet safety, management and

pilot standards needs. There is no safety case that would require anything other than a standardised approach.

The requirements within AMC 2 to OR.GEN.200 (a) (2) are disproportionate and should not apply to a gliding approved training organisation within an air sport federation recognised by the competent authority.

comment 95

comment by: Keven BAINES - MD Baines Simmons Limited

**AMC 2 to OR.GEN.200 (a) (2) Management System**

The SMS requirements for an organisation are specifically detailed in OR.GEN.200 (a) (2) and the AMC to OR.GEN.200 we are extremely surprised, and disappointed that the OR Gen rules are not at NPA at the same time concerning Parts 145 and M G. It is our belief that the goal with SMS is to generate an integrated Safety Management System, whereby the Operator focussed SMS will deliver performance based, proactive and systematic hazard management from its threat generators (maintenance, airworthiness management, ground Ops etc.). We strongly believe that this is a major flaw in this rulemaking round, and will result in a fragmented (and traditional compliance) approach, going against all that we desire from an integrated *system safety* approach to hazard identification and risk reduction.

**AMC 2 to OR.GEN.200 (a) (2) Management System Para. (1) (d)**

confidential reporting systems should be based on established human factors principles. Does this imply that effectiveness is likely to result from the application of fair culture that ensures all staff feel that occurrences and errors can be reported openly without fear of inappropriate action. And that this does not advocate for a 'blame free' approach? If it does, we firmly believe that this needs to be laid out in clear terms in the rule or AMC. We know from our industries' significant (and successful) experience of Maintenance Human Factors and Error Management Programmes (resulting from EASA Part 145 rules) that what we tend to refer to as a *Just Culture* is a principal enabling elements of safety reporting.

We believe that the AMC, should go into more detail in terms of establishing a clear framework that is likely to deliver (*near-miss* and error) healthy reporting that results in the learning culture we desire from our SMS.

comment 97

comment by: Keven BAINES - MD Baines Simmons Limited

3. Internal safety investigation Para. a. The scope of internal safety investigations should include occurrences that are not required to be investigated or reported to the CA. We are of the opinion that a Safety-oriented event investigation process is a vital element to effective safety management. As such we propose the following features be listed in the AMC:

Investigators should be trained in Human Factors, Investigation techniques, interview skills, and event investigation tools such as the Boeing PEAT, and MEDA tools.

It is our experience that competent investigators with recency are the key to ensuring the organization gains the opportunity to live from the 'bottom of the iceberg' weaker warning signals particularly in terms of future risk.

comment 139

comment by: DCA Malta

AMC 2 to OR.GEN 200 (a) (2) 6 (b)  
More clarification is required

comment 264 comment by: *ECA- European Cockpit Association*

The following sentence should be moved to OR.GEN.200:  
d. Confidential reporting systems should be based on established human factors principles including an effective feedback process.

Justification:

Paragraph 1 d. is not effective as an AMC, the protection of the reporter can only be assured if this is upgraded to IR.

comment 301 comment by: *Susana Nogueira*

(6)(b)(iii) Is impossible to understand this paragraph

comment 397 comment by: *Civil Aviation Authority of Norway*

The reference to a safety management system in the AMC may be confusing, since this term is not used in the IR.

comment 398 comment by: *Civil Aviation Authority of Norway*

Comment to (6);

The description and definition of "continues improvement" are not very clear. A mixture of proactive and reactive measures is used, without clarifying what is meant by continues improvement. Should such improvements be measured by some qualitative and / or quantative indicators?

comment 497 comment by: *UK CAA*

**Page No:**

24

**Paragraph No:** AMC 2 to OR.GEN.200(a)(2) Para 2

**Comment:** More guidance must be developed on hazard identification and risk assessment.

**Justification:** In the current proposal there are pages of guidance on how to establish a compliance monitoring system but nothing on how to set up a hazard identification and risk monitoring system. This is out of balance and gives the impression that compliance monitoring is of greater importance. It is important that organisation's management systems focus on the identification and mitigation of hazards as well as monitoring safety performance.

**Proposed Text (if applicable):**

EASA should develop guidance material

comment 498 comment by: *UK CAA*

**Page No:**

24

**Paragraph No:**

AMC 2 to OR.GEN.200(a)(2) 1(d)

**Comment:**

"Confidential Reporting systems should be based on established human factors principles....." it is unclear what these human factor principles are and therefore additional guidance material is required. It is assumed that this relates to having a just culture hence the proposed wording below.

**Justification:**

Requirements needs to be clearly defined to remove any ambiguity.

**Proposed Text (if applicable):**

Confidential reporting systems should enable and encourage free and frank reporting of any potentially safety related event including an effective feedback process. This will be facilitated by establishing a just culture where personnel are not inappropriately punished for reporting or co-operating with investigations.

comment

500

comment by: UK CAA

**Page No:**

24

**Paragraph No:** AMC2 TO OR.GEN.200(a)(2) 1a

**Comment:** Use of "Proactive hazard identification" is inappropriate as it is too limiting.

**Justification:** The identification of hazard is based on reactive, proactive and predictive schemes and therefore it should be stated as such for clarity in line with ICAO Doc 9859 V2.

**Proposed Text (if applicable):** a. Reactive, proactive and predictive schemes for hazard identification processes should be .....

comment

773

comment by: European Business Aviation Association (EBAA)

**AMC (2) to OR. GEN.200 (a) (2)****Para 4.****Add "See Guidance material"****Explanation**

Trend analysis relies on volumes of reporting, which are, in GA/Corporate operations, normally insufficient to draw meaningful conclusions. The use of Key Performance Indicators (such as the CAA's Significant Seven) used as standard in Airlines, are not so well suited for use elsewhere. A more suitable means of measuring and monitoring safety is needed for the GA/Corporate environment, including the sharing of safety data and the lessons learned (e.g. shared usage of analysed FDM data). Here too GM material is needed for small operators as already recommended under Para 2c of **OR. GEN.200 (a) (1)** to

ensure they are using appropriate performance measures that allow them to track and measure the results of their safety programme. In short, in developing their SMS, operators must identify their safety objectives and then collect data that allows them to measure the results of their efforts. If a huge amount of nugatory effort is not to be expended in developing Safety PIs from first principles, PIs that may be of doubtful benefit and even counter-productive, they need high quality GM on this, if necessary based on recognised industry best practice.

comment 774 comment by: *European Business Aviation Association (EBAA)*

**AMC (2) to OR. GEN.200 (a) (2)**

**Para 5. (A)**

**Amend 5.a) add ne w sentence: "Change Manage ment is e specially important for small operators who are often i n an almost c ontinuous process of change as they develop and grow"**

**Explanation:**

Change Mgmt is essential for small organisations, which are likely to be introducing new A/C or equipment, new routes and even changing the dimensions of their business by changing from short haul to long range operations, each activity with the potential to introduce new hitherto unmanaged risks.

comment 781 comment by: *European HF Advisory Group*

**Page No: 24**

**Paragraph No:  
AMC 2 to OR.GEN.200(a)(2) 1(d)**

**Comment:**

"Confidential Reporting systems should be based on established human factors principles....." Such a definition needs further clarification. Confidential reporting systems to be effective will need a just culture to be in place and the wording should reflect this.

**Justification:**

Requirements needs to be clearly defined to remove any ambiguity.

**Proposed Text (if applicable):**

Confidential reporting systems should enable and encourage free and frank reporting of any potentially safety related event including an effective feedback process. This will be facilitated by establishing a just culture where personnel are not inappropriately punished for reporting or co-operating with investigations.

comment 857 comment by: *NATS*

1 This section is headed "Hazard identification processes" yet is confusing proactive and reactive sources of potential and real hazards with some analysis and lesson dissemination.

1a. This is about the HI process yet associated risks are identified as part of this process. Risk assessment follows in 2.

1b. What action should be taken as a result? There appears to be no purpose in doing this. Once hazards are identified shouldn't they be mitigated?

1c. To whom should the information be distributed and to what effect?

1d. If this is truly a confidential reporting system then the feedback should be to the reportee only. Lessons learnt from the report should be disseminated as appropriate with the reportee remaining anonymous.

2a. Is the probability determined in a qualitative, quantitative or can both approaches be used when appropriate? The probability and severity apply to consideration of the hazard and the outcome which becomes the risk (a combination of probability and severity).

2b. It should read as either "...safety risk tolerability..." or "...safety risks tolerability's..."

4a. AMC to OR.GEN.200(a)(1) 2c. refers to "The safety objectives and performance standards should be linked to the safety performance indicators, safety performance targets and safety requirements." Should these be the safety monitoring and measurements rather than direct comparison with the safety policies and objectives as it is unlikely that the safety policy and objectives will be expressed in ways that are directly comparable with the performance data?

4a. Is it possible to have more than one safety policy? AMC to OR.GEN.200(a)(1) seems to imply that there is only one ("The safety policy should....")?

4c. Does not AMC 1 to OR.GEN.200(a)(2) cater for small organisations? If not what are the criteria for the size of the organisation and the complexity of activities?

5a. The results of the formal process for change needs to be documented in a formal way (a record).

5a. Should it be "...affect the safety related activities of the organisation"? Otherwise it applies to all activities (e.g. finance).

General:

There appears to be significant omissions in the SMS as outlined in the AMC.

Firstly regarding the documentation of the results of safety assessment. Such documentation is very important in providing assurance that all relevant safety issues have been satisfactorily dealt with e.g. ICAO Doc 9859 (chapter 13, STEP 7 states that "*The purpose of the safety assessment documentation is to provide a permanent record of the final results of the safety assessment, and the arguments and evidence demonstrating that the risks associated with the implementation of the proposed system or change have been eliminated, or have been adequately controlled and reduced to a tolerable level*".

Secondly, whilst the management of change is addressed, the need for a

documented rationale (a record) that the current operation is safe is a key safety assurance item and the means by which the risk associated with any change can be assessed and mitigated.

comment 928

comment by: INAER

**AMC 2 to OR.GEN. 200 (a) (2).1b:**

**".. should be assessed, analysed, reported, the data collected and stored".**

Suggested:

**".. should be reported to the Safety Manager, the data collected, stored, analysed and assessed,"**

Argument: in order to specify the actions in the right sequence, and clarify to whom must be the hazard reported.

comment 929

comment by: INAER

**AMC 2 to OR.GEN. 200 (a) (2).1c**

**"Information provided by analysis should be distributed"**

Suggested: **"Information provided by analysis should be distributed to the Safety Manager, and if applicable, to the Safety Review Board and personnel affected."**

Argument:

Not everybody must be aware of every single risk assessed in the company, and communication requirements are already specified in AMC " to OR.GEN. 200.(a) (4).2

comment 930

comment by: INAER

**AMC 2 to OR.GEN. 200 (a) (2).3**

**This question should be tackled in AMC to OR.GEN. 200 (a) (5).3,** because it is clearly not a means of compliance of OR.GEN.200. (a) (2).

The matter "internal safety investigation" does not develop an acceptable means of compliance of OR.GEN.200.(2) requirement.

comment 931

comment by: INAER

**AMC 2 to OR.GEN. 200 (a) (2).4; + AMC 2 to OR.GEN. 200 (a) (2).6:**

it is suggested that a new **OR.GEN. 200 (a) (9)** is added, requiring:

**"methods for monitoring, measuring and analysing safety performance".**

and this text be part of an AMC to OR.GEN.200 (a) (9)

Argument:

"Safety performance monitoring and measurement" and "continuous improvement of the safety system", don't develop an acceptable means of compliance of OR.GEN.200.(2) requirement (which deals only with safety hazards and risk assessment)

The proposed activities have to deal very much with activities related to "management", which goes further than Compliance Assurance and compliance control.

Therefore, both AMC 2 to OR.GEN. 200 (a) (2).4 and AMC 2 to OR.GEN. 200

(a) (2).6 should be AMC 2 to a new OR.GEN. 200 (a) (9)

comment 1086 comment by: EUROPEAN GLIDING UNION

The proposals are disproportionate. As no formal definition of a "small" organisation exists, all related items should be reviewed.

comment 1160 comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Specific to maintenance industry**

We do not find CLEARLY the 4 pillars of ICAO ( Safety Management Manual, Doc 9859 AN-460) :

- safety policy
- safety risk management
- safety assurance
- safety promotion

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*

*This disclaimer has to be considered as an integrative part of the following comment.*

comment 1168 comment by: ECA- European Cockpit Association

Attachment [#6](#)

Comment: delete paragraph and replace by the following:  
[see text in attachment]

Justification:

To comply with specific structure of SMS framework avoiding the confusion of components created by EASA when is mixing Safety Risk Management with Safety Assurance and Safety Promotion.

comment 1317 comment by: Ryanair

**AMC 2 to OR.GEN 200 (A)(2) 4 c****Comment**

The term proportional suggests a requirement for defined relationship between size –complexity – activity , and takes no account of economies of scale or efficiencies of scale or alternative structures .

**Proposal**

The process should be *effective* for the size of the organisation .....

comment 1318

comment by: Ryanair

**AMC 2 to OR.GEN 200 (A)(2) 6 A****Comment**

"Safety system" is not a recognised term. Safety Assurance activities are not defined.

**Proposal**

- 6 Continuous Improvement of the Safety Management System
- 6a Delete "identified through safety assurance activities"

comment 1319

comment by: Ryanair

**AMC 2 to OR.GEN.200 (a)(3) – Management System  
Safety Management System – Organisation and Accountabilities****Comment**

This detail of the AMC is overly prescriptive and does not take account of established individual operator variations that have been developed in accordance with National and ICAO Guidance. The introduction of this requirement would put an unnecessary administrative burden on Operators, the Agency and the Competent Authorities.

**Proposal**

The management system of an organisation should encompass safety by implementing the following:

1. SMS Organisational Structure
2. A manager with overall responsibility for the SMS
3. Safety review board
4. Safety Action Group
5. Safety accountabilities and responsibilities
6. SMS Implementation Plan (if applicable)
7. The emergency response plan
8. Relevant documentation

All detailed information should be moved to guidance material

**AMC to OR.GEN.200 (a)(5)**

**Comment**

A retention period for occurrence reports is required

**Proposal**

Occurrence reports should remain the database *for a period of 5 years* when judged.....

**OR.GEN.200 (a)(6) – Organisation Manual  
AMC to OR.GEN.200 (a)(6)**

**Comment**

Any reference to an 'organisation manual' which insinuates that a standalone document is required must be removed. The information required may be available in a number of documents. Any requirement which introduces duplication must be avoided.

**Proposal**

(a)(6) Details of the organisation structure of the approved organisation including management system processes.....

- comment 1509 comment by: *BMVBS (MoT Germany)*
- Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.
- Recommended amendment of the text:
- (complete redrafting necessary)
- 
- comment 1631 comment by: *British Airways Safety & Security*
- Replace the whole of section 1d with **Reporting systems should be confidential and include an effective feed back process.** The original wording does not make sense by referring to established human factors principles (unless these are fully explained, which is probably not sensible).
- 
- comment 1632 comment by: *British Airways Safety & Security*
- Replace **analysed, reported, the data collected** with **analysed, reported and the data collected** in section 1b.
- 
- comment 1633 comment by: *British Airways Safety & Security*
- Section 3a should be reworded as follows. **The scope of internal safety investigations should extend beyond those required to be reported to the competent authority.** This is because the original wording is not clear.
- 
- comment 1634 comment by: *British Airways Safety & Security*

Section 6 – wording should be changed from **the safety system** to **the management system**.

comment 1635 comment by: *British Airways Safety & Security*

Section 6a – The concept of continuous improvement is where Safety performance monitoring and measurement help an organisation meet its safety policies and objectives.

(ICAO concept of Safety Plans). The AMC implies that continuous improvement is the process of rectifying below standard performance identified through safety assurance. British Airways does not consider this assumption to be correct.

Proposed rewording section 6a as follows:

**6. Continuous improvement of the safety system.**

**a) i) Organisations should include within their safety policies and objectives continuous improvement objectives.**

**ii) Through regular review and evaluation, management should track continuous improvements in safety management and ensure that the safety system remains effective and relevant to the organisation's operation.**

**a. i)**

comment 1682 comment by: *GE Aviation*

Further clarification is sought on the statement "information provided by analysis should be distributed". It is not clear what information is intended, to whom it should be distributed, and to what purpose.

The process of safety performance monitoring should not necessarily be proportional to the size of the organization; the effectiveness of existing risk management processes may be more relevant to an overall objective of managing risks throughout the aviation system.

It is strongly recommended that there be no attempt to evaluate "safety performance" in individual performance appraisals. Safety performance is generally the result of a team activity; attempting to define a metric which is closely linked to safety, not subject to random variation, measurable in real-time, and under the influence of single individuals, would be impractical.

comment 1774 comment by: *DFS Deutsche Flugsicherung GmbH*

AMC 2 to OR.GEN.200(a)(2)

5a. Should it be "...affect the safety related activities of the organisation"? Otherwise it applies to all activities (e.g. finance).

comment 1779 comment by: *ACI EUROPE*

-

- 5.a Management of Change: internal and external change must be specified since in the case of aerodrome operators the scope needs to be clearà aerodrome operator vs aerodrome and external change may

affect other aerodrome users with similar requirements in the envisaged Part OR, Part GEN

- "Adverse effect on safety" must be specified or changed into "unacceptable effect on safety"

comment 1985 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

- 5.a Management of Change: internal and external change must be specified since in the case of aerodrome operators the scope needs to be clearà aerodrome operator vs aerodrome and external change may affect other aerodrome users with similar requirements in the envisaged Part OR, Part GEN
- "Adverse effect on safety" must be specified or changed into "unacceptable effect on safety"

comment 2017 comment by: *AIRBUS*

The paragraph 1d. reads "d. Confidential reporting systems should be based on established human factors principles including an effective feedback process."

This sentence is vague and the meaning is difficult to understand. If EASA wants any specific aspects to be implemented in relation to the Reporting System, they should be explicitly listed.

The current text does not provide a clear guidance.

comment 2021 comment by: *AIRBUS*

The paragraph 4b (i to v) lists the means for verifying safety performance against policies & objectives. However, these means should be no different from the list of recommended Hazard Identification methods/tools/processes. There are some overlaps with some of the listed items whereas some others are missing, e.g.:

- Safety reporting (i) produces trends (iii)
- Safety reporting (i) is mentioned whereas Flight Data Monitoring is not mentioned

Furthermore, the most advanced level of Performance Monitoring is omitted: risk-based Safety Performance Measurement.

A consistent approach should be adopted here. The new text could read:

"Safety Performance monitoring should be supported by a combination of reactive, proactive and predictive safety data sources, and could take advantage of, for example:

- safety reporting
- flight data monitoring
- safety surveys

Safety Performance measurement based on Operational Risk Measurement is recommended."

comment 2022 comment by: *AIRBUS*

The title of the paragraph 6 reads "6. Continuous improvement of the safety

system." The content of the paragraph in a. and b. nevertheless discuss improvement of SAFETY, i.e. improvement of the company Safety Performance or Safety Level.

There is a mismatch between the title and the underlying text.

The title of the paragraph 6 should be modified into "6. Continuous improvement of Safety Performance."

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 1 to OR.GEN.200(a)(3) Management System**

p. 25-26

comment 49

comment by: *George Knight*

This AMC is attempting to impose inappropriate and disproportionate controls onto small ATOs that are clubs. It is attempting to extend EASA's remit into that belonging to other government agencies such as the UK's HSE. Specifically:

-2 This really is not relevant to a small club. All that is needed is an A4 notice telling members what to do and who to contact in the case of an accident or emergency.

-3 This is not relevant to small recreational ATOs.

comment 399

comment by: *Civil Aviation Authority of Norway*

An AMC for small organisations seem unnecessary because the elements and principles are applicable to all organisations, and the flexibility provisions are already described in the IR.

comment 504

comment by: *UK CAA*

**Page No:**

25

**Paragraph No:** AMC 1 to OR.GEN.200(a)(3) Para 1a

**Comment:**

Smaller organisations should identify a safety manager who is responsible for the safety management system.

**Justification:** Although the smaller organisations would not want to employ a fulltime safety manager it is important that someone is the focal point for safety matters even if this is a part time role or is a person that has another operational role within the organisation.

**Proposed Text (if applic able):** add a paragraph to 1a. The organisation should identify a person that fulfils the role of safety manager and who is responsible for co-ordinating the safety management system. This person may be the Accountable Manager or a person with an operational role within the organisation.

comment 505

comment by: *UK CAA*

**Page No:**

25

**Paragraph No:** AMC 1 to OR.GEN.200(a)(3) Para 2a

**Comment:** Smaller aerodromes may utilise the local authority emergency services to lead on their emergency plan. The wording on Coordination of Emergency Response Planning will need to reflect that, either here or in the eventual "Aerodromes" chapter.

**Justification: Needs to reflect application to variety of organizations.**

**Proposed Text (if applicable):** The organisation should, in co-operation with other stakeholders, develop, coordinate and maintain an emergency response plan that ensures orderly and efficient transition from normal to emergency operations, and return to normal operations.

comment

690

comment by: *Royal Danish Aeroclub*

AMC 1 to OR.GEN.200(a)(3)

3. Documentation a. should read:

The organisation should develop or **adopt** and maintain SMS.....

We believe that a safety management system can be developed more general, and reused in more similar organisations.

comment

775

comment by: *European Business Aviation Association (EBAA)*

**AMC (1) to OR. GEN.200 (a) (3)**

**3. (B)**

**Add: For smaller operators it is acceptable to combine the SMM and the Quality annual (QM) into single Safety and Quality Manual**

For small operators to require that the SMM is a separate manual imposes additional and unnecessary bureaucracy that is likely to hinder rather than assist the management of safety. Additional oversight and sign off will be needed and the more separate manuals there are, the less likely it is they will be used in day to day business. If all aspects of the SMS (including Risk Management perhaps as an Appendix) are documented and implemented within a single Safety and Quality Manual that is already in daily use as a Quality manual, it is far more likely they will be adopted as day to day part of the business.

comment

858

comment by: *NATS*

A simplified manner compared to what? Simplification is a relatively comparative term that needs an extant management system against which a measure of simplification can be made.

1. Even in a small organisation safety accountabilities extend beyond hazard identification, risk assessment and mitigation (e.g. incident investigation, lesson dissemination, etc.).

2. Should this AMC address the safety accountabilities associated with transition from normal to emergency operations? It currently reads as a business continuity requirement (e.g. the use of "efficient" and no mention of safety). Whilst not necessarily for inclusion here it should be noted that the

emergency operations should be tolerably safe with associated safety documentation either already developed or that it is required to be developed before operations can commence.

3. What is the difference between an SMS and a SMM? 3a requires SMS Documentation describing policy, procedures and processes (arguably the processes should be in the procedures). 3b requires that the SMS documentation should contain an SMM. Therefore, what, given the content of the SMS, is left to go into the SMM? It would make more sense if the SMS were the application of the documented safety policy, etc which are documented in a SMM.

comment

932

comment by: *INAER*

**AMC 1 to OR. GEN.200 a.(3).3.a**

**"...Develop and maintain SMS documentation to describe the safety policy, procedure and processes"**

Suggested:

**"Develop and maintain SMS documentation to describe the safety structure, and processes"**

Argument:

The processes are contained in the procedures, which are part of the SMS documentation (see AMC 1 to OR. GEN.200 a.(3).3.b) , and the policy is technically not a document of the system, but a record of a requirement for the top management (that can be part of the SMS manual, procedures or not).

comment

933

comment by: *INAER*

**AMC 1 to OR. GEN.200 a.(3).3.b**

**"The SMS documentation should contain a safety management manual (SMM)."**

Suggested:

**"The SMS documentation should contain a safety management manual (SMM), related procedures, technical instructions, SOPs, guides and forms."**

Argument:

The SMS is a management system, and therefore its documentation has to be hierarchied in Manual-procedures- technical instructions-SOPs-forms-guides

comment

934

comment by: *INAER*

**"The SMM may be a chapter in the organizations manual"**

Suggested:

**"The SMM may be either a chapter in the organizations manual, or reference the organizations manual as the top level organization document "**

Argument:

If it is decided that the SMM is not part of the organizations manual, it should be dependent of it, as a second level manual in the organization.

comment

1087

comment by: *EUROPEAN GLIDING UNION*

The proposals are disproportionate. As no formal definition of a "small" organisation exists, all related items should be reviewed.

- |         |      |   |
|---------|------|---|
|         |      |   |
| comment | 1179 | comment by: <i>Royal Danish Aeroclub</i><br>"Small organisations" should be changed to "Small organisations and organisations run by aeroclubs for members only".   |
| comment | 1180 | comment by: <i>Danish Balloon Organisation</i><br><b>AMC 1 to OR.GEN.200(a)(3)</b><br><br>We suggest that the AMC be amended as follows:<br><br><b>AMC 1 to OR.GEN.200(a)(3) Management System</b><br>SAFETY MANAGEMENT SYSTEM – ORGANISATION AND ACCOUNTABILITIES<br>SMALL ORGANISATIONS and <b>ORGANISATIONS RUN BY NATIONAL AEROCLUB ASSOCIATIONS FOR MEMBERS ONLY</b><br>The management system of a small organisation and <b>organisations run by national aeroclub associations for members only</b> should encompass safety by implementing the following items in a simplified manner:<br>1. Safety accountabilities.<br>Within the organisation responsibilities should be identified for hazard identification, risk assessment and mitigation<br><br>Justification: National aeroclub associations should given same conditions as "Small Organisations". Items 2 and 3 is not applicable for organisations run by aeroclub associations for members only. |
| comment | 1252 | comment by: <i>Swiss International Airlines / Bruno Pfister</i><br><br>Relevant text:<br>2. The safety manager.<br>a. ....<br>b. The functions of the safety manager should be to:<br>i. manage the implementation plan on behalf of the accountable manager;<br>Comment:<br>It is proposed to add SMS in order to avoid misunderstandings.<br>Proposal:<br>b. The functions of the safety manager should be to:<br>i. manage the <b>SMS</b> implementation plan on behalf of the accountable manager   |
| comment | 1253 | comment by: <i>Swiss International Airlines / Bruno Pfister</i><br><br>Relevant text:<br>2. The safety manager.<br>b. The functions of the safety manager should be to:<br>iii. monitor corrective action to ensure their accomplishment;<br>Comment:<br>The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.<br>Proposal: delete iii   |
| comment | 1254 | comment by: <i>Swiss International Airlines / Bruno Pfister</i>   |

Relevant text:  
 2. The safety manager.  
 b. The functions of the safety manager should be to:  
 v. maintain safety documentation;  
 Comment:  
 It is proposed to add SMS in order to avoid confusion with other safety documents.  
 The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual.  
 Proposal:  
 " v. maintain  
**SMS**  
 safety documentation;"

comment 1255 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:  
 2. The safety manager.  
 b. The functions of the safety manager should be to:  
 vi. plan and organise staff safety training;  
 Comment:  
 It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings.  
 Proposal:  
 "vi. plan and organise staff  
**SMS**  
 safety training;"

comment 1256 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:  
 2. The safety manager.  
 b. The functions of the safety manager should be to:  
 vii. provide independent advice on safety matters;  
 viii. advise senior managers on safety matters;  
 Comment:  
 viii) duplicates with vii,  
 Proposal:  
 delete viii

comment 1258 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:  
 2. The safety manager.  
 b. The functions of the safety manager should be to:  
 xii. monitor compliance.  
 Comment:  
 it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.  
 Proposal:  
 delete ix)

comment 1259 comment by: *Swiss International Airlines / Bruno Pfister*

3. Safety review board.  
 c. The safety review board should monitor:  
 iii. the effectiveness of the safety supervision of contracted operations.  
 Comment:  
 sub iii can be deleted, as it highlights only one specific element of the generic elements above. If so, then other similar important specific elements would need to be listed, too.  
 Proposal:  
 delete 3.c.iii  
 iii. the effectiveness of the safety supervision of contracted operations.

comment 1262 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:  
 4. Safety action group.  
 b. The safety action group should:  
 i. oversee operational safety;  
 ii. resolve identified risks;  
 iii. assess the impact on safety of operational changes;  
 iv. implement corrective action plans; and  
 v. ensure that corrective action is achieved within agreed timescales  
 Comment:  
 Sub-structure as per NPA not required at all, as too prescriptive, and even faulty (e.g. 4.b.i oversee operational safety: an action group does not "oversee").  
 The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.  
 Proposal:  
 Replace 4. by "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment 1263 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:  
 5. Safety Accountability and Responsibilities  
 Comment:  
 This is defined in OR.GEN.210, (a) and (b), so redundant.  
 Proposal:  
 Delete 5. Safety Accountability and Responsibilities

comment 1267 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:  
 8. Documentation  
 c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:  
 i. scope of the safety management system;  
 ii. safety policy and objectives;  
 iii. safety accountabilities;  
 iv. key safety personnel;

- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

Comment:

8.c. Is the Safety management manual a different manual than the safety management system manual as per 8.a.ii.? Clarification required  
The documentations should be composed by safety policy, safety management manual. Duplication of the requirement to include safety policy.

comment 1268

comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

8.Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

Comment:

8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document

comment 1269

comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

Entire text of AMC 2 to OR.GEN.200 (a) (3)

Comment:

Due to the very detailed prescription of elements (where the mandatory principles have been ruled in the IR already), this whole article should be GM, not AMC

Proposal:

Change the title to "GM to OR.GEN.200 (a) (3)"

comment

1511

comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1638 comment by: *British Airways Safety & Security*

comment 1679 comment by: *Fédération Française Aéronautique*

FFA strongly supports the proportionate rule applicable to small organisations applied in this AMC.

Nevertheless, the words "in a simplified manner" must be clearly defined, and the applicability to "Very small" organisations added (see our proposed definition in the FFA comment on NPA page 1 above).

comment 1683 comment by: *GE Aviation*

The wording "transition from normal to emergency operations" is ambiguous. It is not clear whether this applies to emergency operations related to the aviation product or service, or a broader set of emergency operations including local emergencies like natural disasters, unrelated to the aviation system.

comment 2330 comment by: *Europe Air Sports PM*

The proposals are disproportionate. As no formal definition of a "small" organisation exists, all related items should be reviewed.

comment 2379  comment by: *Klaus HARTMANN*

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland.

Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 - 08:00 loc und 19:30 - 21:30 loc)

2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.

3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern

führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 - 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus.

Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freiballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freiballonführer BPL/LPL(B)' geben.**

**Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.**

Für Mini – ATO's BP L/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manualls' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini – ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini – ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini – ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch senior examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.

Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfahrten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini – ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.

Die Ausbildung der Piloten anwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglichst sein.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System**

p. 26-28

comment 98

comment by: Keven BAINES - MD Baines Simmons Limited

AMC 2 to OR.GEN.200 (a) (3) para 2. The Safety Manager

We feel that there is a need to clarify the expectations with regards to competencies for a safety manager? In other words the regulatory oversight aspects of competency acceptance for safety manager are missing. How would the Competent Authority accept a Safety Manager, would it be as a post holder? We would expect this key person to possess more in terms of safety qualifications than merely being an experienced pilot. We believe that selection of this key position, by the approved organisation and acceptability of by the competent authority inspecting staff is vital to the successful implementation of a *performance based* safety management system.

We think that further clarification is required for the role and relationship between the functions of SMS and the compliance monitoring function – relevant guidance for the organisations as well as for the regulators. Broadly speaking what is EASA's view of the difference and/or synergy's between Safety Assurance and Compliance Monitoring functions.

Sub Para. ix we recommend the following amendment to more clearly give indication as to one typical role of the safety manager:

ix. assist line managers with hazard identification, risk assessment and control (HIRAC) process

Sub Para. xi we recommend the following amendment to consistently demonstrate the desired proactive nature of the Safety management System:

xi be involved in hazard (reported that have the potential to cause losses), occurrence, and accident investigations; and

comment 99 comment by: *Keven BAINES - MD Baines Simmons Limited*

5. Safety accountabilities and responsibilities. For reasons of consistency and clear messaging we recommend adding the word safety in paragraph a. To read as follows:

a. The organisation should define the safety accountabilities of the accountable manager and the safety responsibilities of key personnel.

comment 100 comment by: *Keven BAINES - MD Baines Simmons Limited*

Training and communication on safety

We are of the opinion (as with EASA Part 145 with regards to Human Factors training GM 145.A.30 (e) Personnel requirements (Training syllabus for initial human factors training)) that this section should include an outline syllabus as follows:

- The management team should be trained to understand the principles on which the safety system is based.

Training should ensure that managers and supervisors are familiar with the principles of the safety management system and their responsibilities and accountabilities for safety.

**All staff should receive a basic introductory course essentially covering:**

Safety training should ensure that staff are competent in the following:

their role in the elements of the safety management system pertinent to their duties.

how the organization's safety management system functions

the principles on which the safety system is based

and familiar with the principles of the safety management system and their responsibilities and accountabilities for safety.

safety philosophy, safety policies and safety standards

disciplinary action vs. safety hazards, integrated nature of safety management, risk management decision making, safety culture, etc.

Importance of complying with the safety policy and with the procedures that form part of the safety management system

Reporting accidents, incidents and perceived hazards

Lines of communications for safety matters

Feedback and communication methods for the dissemination of safety information

Unique hazards facing operational personnel

Any specific safety initiatives, such as: Flight Data Analysis (FDA) programme; LOSA etc

Seasonal safety hazards and procedures (winter operations, etc.);

Emergency procedures

comment 194

comment by: DGAC FRANCE

**AMC2 OR.GEN.200.A.3**

The function of the safety manager to "monitor compliance" (AMC 2 to OR.GEN.200(a)(3) – 2. xii. monitor compliance) is redundant with the general function of OR.GEN.200 (a)(7).

Organisations may want to separate SAFETY functions and MONITORING functions. The monitoring function should not be solely the responsibility of the safety manager.

DELETE

AMC 2 to OR.GEN.200(a)(3) – 2.

[...]

~~xii. monitor compliance.~~

comment 266

comment by: ECA- European Cockpit Association

Delete line:

2. The safety manager.

b. The functions of the safety manager should be to:

~~vi. plan and organise staff safety training;~~

~~vii. vi~~

Justification:

The function of a Safety Manager should not include responsibility for training. Training should always be the responsibility of the respective line managers.

comment 306

comment by: Susana Nogueira

Paragraph 7. Not required by the rules

comment 400

comment by: Civil Aviation Authority of Norway

The introduction of a safety manager seems to be misplaced. If a safety manager is required it should be specified in the IR.

comment 401 comment by: *Civil Aviation Authority of Norway*  
 The establishment of a safety action group may be inappropriate even in “non-small” organisations, and therefore this should be transferred to GM material.

comment 402 comment by: *Civil Aviation Authority of Norway*  
 The introduction of an ERP should be a part of the IR.

comment 403 comment by: *Civil Aviation Authority of Norway*  
 It seems inappropriate to make the SMS implementation plan a part of the SMS itself. Even if a plan is useful, the focus should be on the effect of the SMS, and not so much on the planning

comment 404 comment by: *Civil Aviation Authority of Norway*  
 Comment to (8);  
 The description of the documentation requirements does not correspond with the content of the organisation manual required by AMC OR.GEN.200(a)(6)

comment 507 comment by: *UK CAA*  
**Page No:**  
 25  
**Paragraph No:** AMC 2 to OR.GEN.200(a)(3) para 2 a Safety Manager  
 Comment: The Safety manager is a senior management appointment.  
**Justification:** It is important that the safety manager is appointed by senior management as required by ICAO Doc 9859 V2 in 8.6.2.  
**Proposed Text (if applic able):** The safety manager **is a senior management appointment** and should be responsible.....

comment 508 comment by: *UK CAA*  
**Page No:**  
 25  
**Paragraph No:** AMC 2 to OR.GEN.200(a)(3) para 2 a Safety Manager  
 Comment: There is no guidance on the competencies of a safety manager. This is a key position within the organisation and therefore guidance is needed for the selection of the individual and also for the competent authority to accept an appropriate individual for this position. It is assumed that the competent authority would accept the safety manager but this is not clear in the NPA. This should include appropriate understanding of human factors.  
**Justification:** The role and the competencies of the safety manager is vital to the successful implementation of a performance based safety management system, rather than the traditional compliance based approach currently applied throughout the aviation industry.

**Proposed Text (if applicable):** Guidance material needs to be developed.

comment

509

comment by: UK CAA

**Page No:**

26

**Paragraph No:** AMC 2 to OR.GEN.200 (a)(3) paragraph 2 (b)

**Comment:** Further clarification is required for the roles and relationship between the functions of SMS and QMS (or compliance monitoring function) both for organisations and the competent authority.

**Justification:** Clarification is needed to remove any confusion and to ensure that SMS does not become a compliance based system. Adding the xii monitor compliance function to the role of the Safety Manager is confusing as this may cause organisations to be led down the compliance monitoring path and compliance monitoring is normally independent of the activity. However, it is recognised that for some organisations integrating the roles may be acceptable provided the different functions are clearly defined.

**Proposed Text (if applicable):** Change para xii to read:

xii. ensuring compliance of the Management System in conjunction with the person nominated in OR.GEN.210

comment

510

comment by: UK CAA

**Page No:**

26

**Paragraph No:** AMC 2 to OR.GEN.200(a)(3) para 3 Safety Review Board

**Comment:** The Board should monitor that corrective action is taken in a timely matter and the effectiveness of the organisations safety management processes.

**Justification:** ICAO Doc 9859 V2 para 8.6.7 requires this and therefore could cause an organisation to be out of compliance with the ICAO requirements

**Proposed Text (if applicable):** add the following 2 lines to para 3 c  
that any corrective action is taken in a timely manner  
the effectiveness of the organisations safety management processes

comment

511

comment by: UK CAA

**Page No:**

26

**Paragraph No:** AMC 2 to OR.GEN.200 (a)(3) para 3(d) Safety Review board

**Comment:** It's not clear that this refers to human resources and not financial resources, which is the responsibility of the Accountable Manager. The full text of ICAO 9859 V2 para 8.6.7 has been omitted which refers to safety

performance beyond that of regulatory performance.

**Justification:** ICAO Doc 9859 V2 para 8.4.6 and 8.6.7

**Proposed Text (if applicable):** (d) The safety review board should ensure that appropriate human resources are allocated to achieve the established safety performance beyond that required by regulatory performance alone.

comment 512

comment by: UK CAA

**Page No:**  
27

**Paragraph No:** AMC 2 to OR.GEN.200(a)(3) para 6b SMS implementation plan

**Comment:** Safety training has not been included as part of the implementation plan.

**Justification:** ICAO Doc 9859 para 8.9.3 requires this and it is key part of an implementation plan.

**Proposed Text (if applicable):** add xii Safety Training

comment 513

comment by: UK CAA

**Page No:**  
27

**Paragraph No:** AMC 2 to OR.GEN.200(a)(3) para 6 a. SMS implementation plan

**Comment:** Limiting the implementation plan to 2 years does not recognise the complexity and timescales involved in establishing a fully functional SMS. Due consideration should be given to a phased implementation approach as detailed in the ICAO Doc 9859.

**Justification:** Limiting an implementation plan to 2 years is more likely to result in a SMS that looks good on paper but is not necessarily effective. EASA needs to consider a phased implementation approach ie assessment for the basic elements of an SMS and then an assessment for a fully functional SMS. For SMS implementation within organisations with no previous SMS experience a 5 to 6 year implementation would be more realistic.

**Proposed Text (if applicable):** Change the last sentence to read: The plan should be endorsed by senior management and the elements of an SMS should be in place within a period of 2 years.

comment 514

comment by: UK CAA

**Page No:**  
27

**Paragraph No:** AMC 2 to OR.GEN.200(a) (3) Para 7 (b)

**Comment:** The Emergency Response Plan requirement does not include the

need for the ERP to be co-ordinated to the ERP of other organisations that interact operationally as detailed in ICAO SARP.

**Justification:** An operators ERP should be co-ordinated with maintenance and airport operator ERPs as required in ICAO Doc 9859 Safety Management Manual Version 2.

**Proposed Text (if applic able):** add para iii "and is coordinated with emergency response plans of those organisations it must interface within its operations."

comment 516

comment by: UK CAA

**Page No:**  
27

**Paragraph No:** AMC 2 to OR.GEN.200(a)(3) Para 8c

**Comment:** It is suggested that provision be made to allow that the safety management manual (or equivalent) for aerodromes should include requirements for the oversight of third parties operating on the aerodrome.

**Justification:** Many organisations operate on an aerodrome without a contractual arrangement with the aerodrome operator.

comment 523

comment by: UK CAA

**Page No:**  
28

**Paragraph No:** AMC 2 to OR.GEN.200(a)(3) para 8c Safety Management Manual contents

**Comment:** The contents list has missed out Safety Assurance and safety auditing. These are 2 key elements of an SMS and should be included in the contents list.

**Justification:** To ensure compliance with ICAO SMM 8.8.4

**Proposed Text (if applicable):** to add safety assurance and safety auditing to the list.

comment 745

comment by: CAA-NL

Comment

"be involved in" suggests a safety manager causing an incident to be in compliance with this AMC.

Text proposal

2b xi. ensure independent occurrence / accident investigations; and

comment 782

comment by: European HF Advisory Group

**Page No: 25**

**Paragraph No: AMC 2 to OR.GEN.200(a)(3) para 2 a Safety Manager**

**Comment:** There is no guidance on the competencies of a safety manager. This is a key position within the organisation and therefore guidance is needed for the selection of the individual and also for the competent authority to accept an appropriate individual for this position. An important competency is the need for an appropriate understanding of human factors.

**Justification:** The role and the competencies of the safety manager is vital to the successful implementation of a performance based safety management system, rather than the traditional compliance based approach currently applied throughout the aviation industry.

**Proposed Text (if applicable):** Guidance material needs to be developed and this should include the need for the safety manager to have an appropriate understanding of human factors.

comment 783

comment by: *European HF Advisory Group***Page No: 26****Paragraph No: AMC 2 to OR.GEN.200 (a)(3) paragraph 2 (b)**

**Comment:** Further clarification is required for the roles and relationship between the functions of SMS and QMS (or compliance monitoring function) both for organisations and the competent authority. Broadly speaking what is EASA's view of the difference and/or synergies between Safety Assurance and Quality Assurance (Compliance Monitoring functions), such that our industry does not deliver yet another compliance based system

**Justification:** Clarification is needed to remove any confusion and to ensure that SMS does not become a compliance based system. There is likely to be a tendency for existing Quality Managers to become the safety manager with the risk that SMS will be treated in a similar way to a QA system.

**Proposed Text (if applicable):** guidance material required

comment 859

comment by: *NATS*

This AMC appears to address more than is the scope of the related IR (OR.GEN.200 (a) (3)). The IR only refers to safety accountabilities and only for senior managers.

1a. The use of the word "typically" implies that some variation is allowed. If such variation is applied by an organisation how does that variation relate to the remaining AMCs which specifically address the safety manager, safety review board and the safety action group?

2a. How is the effectiveness of the SMS to be determined? There does not appear to be an AMC or GM on this requirement.

2b. i. The "implementation plan" is assumed to be the plan referred to in AMC2 to OR.GEN200(a)(6).

2b. ii. This task should reside with those senior managers responsible for the service delivery. Given that the safety manager is responsible for the SMS it does not seem appropriate that procedures and processes required by the SMS are conducted by the safety manager (i.e. the safety manager should ensure that the procedures and processes are complied with).

2b. v. This task should reside with those senior managers responsible for the service delivery. Given that the safety manager is responsible for the SMS it does not seem appropriate that procedures and processes required by the SMS are conducted by the safety manager (i.e. the safety manager should ensure that the procedures and processes are complied with).

2b. vi. Whilst it is incumbent for the safety manager to provide a level of staff safety training it is appropriate for other responsible managers to arrange staff safety training as appropriate for their areas of responsibility. It is appropriate for the safety manager to provide safety training for senior managers in the organisation (e.g. when an individual takes up a post that has safety responsibility). If the safety manager were to plan and organise safety training who would deliver it and how would its effectiveness be assessed?

2b. vii. In order to be able to provide "independent" advice the safety manager should not be required to undertake some of the identified functions (as noted in earlier comments) as it potentially compromises their position.

2b. viii. What is the difference between this and 2b.vii? Surely vii encompasses viii?

2b. ix. Assist line managers to do what?

2b. x. How does this oversight sit with 2b. ii. Which requires the safety manager to facilitate hazard identification (see earlier comment about inconsistencies in the function of the safety manager)?

2b. xii. Presumably this is to monitor compliance with the SMS? If not it isn't clear as to what is being monitored.

3a. The role of the Safety Review Board is to support the accountable manager in the discharge of their safety accountabilities.

3b. Only those heads of functional areas that have safety responsibilities.

3c. The Terms of Reference of the safety review board should be:

- to monitor and review the effectiveness of the safety arrangements in place in the organisation;
- to review the delivery of the organisation's safety objectives through its operations, structures and processes;
- to review the quality of the organisation's safety performance by means of an examination of internal and external audits, reports, benchmarking and best practice comparisons;
- to monitor the implementation of agreed and improved safety enhancement programmes against their objectives, programme and effectiveness;
- to make recommendations on means for improving the Company's safety management systems and safety performance, as necessary.

4b. The Terms of Reference of the safety action group should be:

- To ensure that safety risks and safety issues are proactively identified and effectively managed.
- To monitor safety performance against company safety targets and ensure that appropriate action is taken.
- To ensure safety improvement actions across the company are prioritised, coordinated effectively, and that responsibility for follow up action is allocated.
- To own and support Safety Management System development, and specifically to review Safety Policy at least every three years, taking into account best safety practice in similar industries.
- To provide direction for the continuous improvement of safety, including the recognition of best practice and implementation of lesson learning from internal and external sources.
- To ensure that the safety accountabilities of the accountable manager are reviewed regularly and maintained.
- To co-ordinate and track actions and recommendations arising from the safety review board and corporate issues raised by external bodies.

5a. Safety accountabilities and responsibilities should be documented as part of the SMS and reviewed on a regular basis.

7. Should this AMC address the safety accountabilities associated with transition from normal to emergency operations? It currently reads as a business continuity requirement (e.g. the use of "efficient"). Whilst not necessarily for inclusion here it should be noted that the emergency operations should be tolerably safe with associated safety documentation either already developed or that it is required to be developed before operations can commence.

8b. AMC to OR.GEN.200(a)(1) also states what a safety policy should consider. It is confusing to have this in two places with a degree of duplication.

8c. iii It has been previously inferred that only the accountable manager has safety accountabilities; this implies there may be others.

8c. iv The key safety personnel should be those senior managers with safety responsibilities.

8c. x Management of change should also include organisational change with consideration of safety accountabilities and responsibilities.

8c. There is also a need for inclusion of Incident Reporting & Investigation as well as safety assurance documentation

comment

936

comment by: *INAER*

**AMC 2 to OR. GEN.200 a.(3).2.a**

"The safety manager should be responsible and the focal point for the safety development, administration and maintenance of an effective SMS..."

Suggested:

**"The safety manager should be responsible and the focal point for the**

**safety administration and maintenance of an effective SMS ...”**

Argument:

Top management is responsible for the development of an SMS, and it can be developed by an external consultant, or an internal specific Department, but it should be optional for a company to give that responsibility to a specific function. It has to be bear in mind that safety managers are normally experienced pilots, with little or none experience with designing and developing management systems

comment

937

comment by: *INAER***AMC 2 to OR. GEN.200 a.(3).6.b****“SMS implementation plan – contents: ... safety reporting policy”**

Suggested:

**Eliminate “safety reporting policy”**Or specify **“safety reporting procedure”**

Argument:

As the SMS implementation plan already contains the safety policy, no special “safety reporting policy” should be included. A policy contains the commitments, and the framework for establishing objectives, and it should not be confused with “criteria, o procedures”.

comment

938

comment by: *INAER***AMC 2 to OR. GEN.200 a.(3).6-8**

It is suggested:

**Change OR.GEN.200.a to include: “A management system documentation”**

Argument:

This AMC develops an acceptable means of compliance for “safety accountabilities”, but it deals with matters that go beyond that scope, as the implementation plan, the emergency response plan and the SMS documentation that support the whole SMS.

comment

939

comment by: *INAER***AMC 2 to OR. GEN.200 a.(3).8.a****“Documentation should consist of:**

- o **Applicable regulations**
- o **Safety management system manual**
- o **SMS records**
- o **Records management”**

Suggestion:

**Documentation should consist of:**

- o **Documented statement of a safety management system policy and safety objectives**
- o **Safety manual containing :**
  - § **The scope of the system**
  - § **The documented procedures established for the management system, or references to the m,**

**including an amendment procedure, and**  
**§ A description of the interaction between the processes of the management system.**

- o **Documented procedures and SMS records required by Part OR**
- o **Documents required by the organization to be necessary to ensure the effective planning, operation and control of its processes**

Argument:

On the one hand, this requirement should be similar with ISO 9001;2008 (part 4.2.1 and 4.2.2). On the other hand, the "applicable regulations" is not part of the SMS documentation, but part of the external documentation that affects the system.

The term "record management" doesn't have any sense here, as it is dealt in OR.GEN.220, and the management of the record can be a procedure, but is not a type of an SMS of documentation.

comment

940

comment by: *INAER*

- 1) AMC 2 to OR. GEN.200 a.(3).8.c**  
**The contents of the SMS manual should include:**
- i. Scope of the SMS**
  - ii. Safety policy and objectives**
  - iii. Safety accountabilities**

Suggested:

- The contents of the SMS manual should include:**
- i. Scope of the SMS**
  - ii. Safety accountabilities**

Arguments:

a) There is no reason why the policy has to be in the Manual. ISO 9001:2000 already eliminated that requirement from the standard, as it proved to be a burden, not providing effectiveness. The requirement should be that the policy is distributed, understood, applied and maintained, but not that it is part of the manual.

It is much easier for a policy to be changed, if it is out of the manual (for example, in the WEB, or hanged at the wall), specially in integrated systems (as it is common in the industry), where the policy could refer to MOE, CAME, DOA manual, OM, SMS, Health and Safety Manual, Environmental Management Manual, ISO 9110 manual and ISO 9001 manual.

The authority could be notified in policy changes with a copy of the policy, and control afterwards its effective distribution to everybody in the company in the audits.

b) Objectives should not be inside the manual, for several reasons:

- o Objectives change from one year to another
- o Safety objectives are a record, after applying the "Objectives Procedure", but are not a document with requirements of the system itself.
- o Safety objectives don't have to be distributed at all levels in the organization. In fact, some safety objectives can be very sensitive.
- o When the manual is developed, there are probably no objectives which can be approved by the top management, as there is probably no safety performance monitoring in place.

comment 941

comment by: INAER

**AMC 2 to OR. GEN.200 a.(3).8.c****The contents of the SMS manual should include:****i. Scope of the SMS**

ii...

iii. ..

iv. ..

v. ..

vi. ..

**vii. Hazard identification and risk management scheme****viii. Safety performance monitoring****ix. Emergency response planning****x. Management of change****xi. Safety promotion****xii. ...**

Suggested

**The contents of the SMS manual should include:****i. Scope of the SMS**

ii. ..

iii. ..

iv. ..

v. ..

vi. ..

**vii. Procedures, or reference to documented SMS procedures:****a. Hazard identification and risk management****b. Safety performance monitoring****c. Emergency response planning****d. Management of change****e. Safety promotion**

Argument:

The SMS manual is the SMS top level document, but it has to be developed by procedures, so that the system is easy to understand and to maintain. Therefore, it has to be possible to refer in the manual to specific procedures, without specifying in the manual the whole process.

comment 942

comment by: INAER

**AMC 2 to OR. GEN.200 a.(3).8.c****The contents of the SMS manual should include:****i. Contracted activities**Suggestion: "**Control of contracted activities**"

Argument:

Document 9859 in 8.9.4 specifies "Control of contracted activities". There could be a mistake in copying this point.

Whether there are or not new contracted activities, should make no change in the SMS manual. It should be enough a requirement that the relevant control procedures apply as well to contractors.

comment	979	comment by: LHT
	8. b could be removed to safety policy AMCs	
comment	980	comment by: LHT
	4.a ...The safety action group should report to and take strategic direction from the safety review board, <b>when its required</b> ;....	
	Hence, the Safety action group should be a temporary group which will be closed after implementing corrective actions.	
comment	982	comment by: LHT
	6. Implementation plan	
	Why is the content of the implementation plan a requirement? the implementation is unique and not a continuous process. The content will be developed through the other requirements.	
comment	983	comment by: LHT
	8. Documentation	
	c.	
	First sentence: I would say the "The safety management system manual" (SMSM)	
comment	1103	comment by: AEA
	<b>Relevant text:</b>	
	2. The safety manager.	
	a. ....	
	b. The functions of the safety manager should be to:	
	i. manage the implementation plan on behalf of the accountable manager;	
	<b>Comment:</b>	
	It is proposed to add SMS in order to avoid misunderstandings.	
	<b>Proposal:</b>	
	b. The functions of the safety manager should be to:	
	i. manage the <b>SMS</b> implementation plan on behalf of the accountable manager;	
comment	1104	comment by: AEA
	<b>Relevant text:</b>	
	2. The safety manager.	
	b. The functions of the safety manager should be to:	
	iii. monitor corrective action to ensure their accomplishment;	
	<b>Comment:</b>	
	The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.	
	<b>Proposal</b> : delete iii	
	<del>"iii. monitor corrective action to ensure their accomplishment;"</del>	

comment 1105 comment by: AEA

**Relevant text:**

2. The safety manager.  
 b. The functions of the safety manager should be to:  
 v. maintain safety documentation;

**Comment:**

It is proposed to add SMS in order to avoid confusion with other safety documents.

The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual.

**Proposal:**

"v. maintain **SMS** safety documentation;"

comment 1106 comment by: AEA

**Relevant text:**

2. The safety manager.  
 b. The functions of the safety manager should be to:  
 vi. plan and organise staff safety training;

**Comment:**

It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings.

**Proposal:**

"vi. plan and organise staff **SMS** safety training;"

comment 1107 comment by: AEA

**Relevant text:**

2. The safety manager.  
 b. The functions of the safety manager should be to:  
 vii. provide independent advice on safety matters;  
 viii. advise senior managers on safety matters;

**Comment:**

viii) duplicates with vii,

**Proposal:**

delete viii

comment 1108 comment by: AEA

**Relevant text:**

2. The safety manager.  
 b. The functions of the safety manager should be to:  
 ix. assist line managers;

**Comment:**

It is proposed to delete this item as "line manager" is not defined, and "assistance" means a kind of subordination, which supposedly is not intended. The safety manager "advises", as already stated in vii).

**Proposal:**

delete ix

"~~ix. assist line managers~~"

comment 1109 comment by: AEA

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - xii. monitor compliance.

**Comment:**

it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.

**Proposal:**

delete xii  
~~xii. monitor compliance.~~

comment

1110

comment by: AEA

**Relevant text:**

- 3. Safety review board.
- c. The safety review board should monitor:
  - iii. the effectiveness of the safety supervision of contracted operations.

**Comment:**

sub iii can be deleted, as it highlights only one specific element of the generic elements above. If so, then other similar important specific elements would need to be listed, too.

**Proposal:**

delete 3.c.iii  
~~iii. the effectiveness of the safety supervision of contracted operations.~~

comment

1111

comment by: AEA

**Relevant text:**

- 3. Safety review board.
- b. The board should be chaired by the accountable manager and be composed of heads of functional areas.

**Proposal**

3.b The safety management board should be composed of **AT LEAST** the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager.

comment

1112

comment by: AEA

**Relevant text:**

- 3. Safety review board.
- d. The safety review board should ensure that appropriate resources are allocated to achieve the established safety performance.

**Comment:**

ensuring appropriate resources is not a task for the Safety Management Board, it is the accountable manager.

**Proposal:**

Delete 3.d in this form and at this place

comment

1114

comment by: AEA

**Relevant text:**

- 4. Safety action group.
- b. The safety action group should:

- i. oversee operational safety;
- ii. resolve identified risks;
- iii. assess the impact on safety of operational changes;
- iv. implement corrective action plans; and
- v. ensure that corrective action is achieved within agreed timescales

**Comment:**

Sub-structure as per NPA not required at all, as too prescriptive, and even faulty (e.g. 4.b.i oversee operational safety: an action group does not "oversee"). The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.

**Proposal:**

Replace 4. by "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment

1115

comment by: AEA

**Relevant text:**

5. Safety Accountability and Responsibilities

**Comment:**

This is defined in OR.GEN.210, (a) and (b), so redundant.

**Proposal:**

Delete 5. Safety Accountability and Responsibilities

comment

1118

comment by: AEA

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.i. This has no added value (a copy paste of the regulations?)

**Proposal:**

~~i. applicable regulations;~~

comment

1119

comment by: AEA

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.iv should read "management of records". Specify the scope of the records.

**Proposal:**

vi. management of records

comment

1120

comment by: AEA

**Relevant text:**

## 8. Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

**Comment:**

8.c. Is the Safety management manual a different manual than the safety management system manual as per 8.a.ii.? Clarification required

The documentations should be composed by safety policy, safety management manual.

Duplication of the requirement to include safety policy.

comment

1121

comment by: AEA

**Relevant text:**

## 8. Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

**Comment:**

8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document.

comment

1122

comment by: AEA

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (3)

**Comment:**

Due to the very detailed prescription of elements (where the mandatory principles have been ruled in the IR already), this whole article should be GM, not AMC

**Proposal:**

Change the title to "GM to OR.GEN.200 (a) (3)"

comment

1161

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Specific to maintenance industry**

« The plan should be endorsed by senior management and completed within a period of 2 years. »

Why imposing a 2-year-limit knowing that it depends on the roganization intial situation and that it is a continuing improvement program. Once again, imposing 2-year-plans does not take into account organizations financial constraints.

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*

*This disclaimer has to be considered as an integrative part of the following comment.*

comment

1214

comment by: *ECA- European Cockpit Association*

Attachment [#7](#)

Comment: delete whole paragraph and replace with:  
[see text in attachment]

Justification:

To comply with specific structure of SMS framework avoiding the confusion of components created by EASA when is mixing Safety Risk Management with Safety Assurance and Safety Promotion.

comment

1379

comment by: *TAP Portugal*

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 2. The safety manager.
  - a. ....
  - b. The functions of the safety manager should be to:
    - i. manage the implementation plan on behalf of the accountable manager;

**Comment:**

It is proposed to add SMS in order to avoid misunderstandings.

**Proposal:**

- b. The functions of the safety manager should be to:
  - i. manage the **SMS** implementation plan on behalf of the accountable manager;

comment

1382

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 2. The safety manager.
  - b. The functions of the safety manager should be to:
    - iii. monitor corrective action to ensure their accomplishment;

**Comment:**

The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.

**Proposal** : delete iii

~~"iii. monitor corrective action to ensure their accomplishment;"~~

comment

1385

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 2. The safety manager.
  - b. The functions of the safety manager should be to:
    - v. maintain safety documentation;

**Comment:**

It is proposed to add SMS in order to avoid confusion with other safety documents.

The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual.

**Proposal:**

" v. maintain **SMS** safety documentation;"

comment

1388

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - vi. plan and organise staff safety training;

**Comment:**

It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings.

**Proposal:**

"vi. plan and organise staff **SMS** safety training;"

comment

1390

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - vii. provide independent advice on safety matters;
  - viii. advise senior managers on safety matters;

**Comment:**

viii) duplicates with vii,

**Proposal:**

delete viii

comment

1391

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - ix. assist line managers;

**Comment:**

It is proposed to delete this item as "line manager" is not defined, and "assistance" means a kind of subordination, which supposedly is not intended. The safety manager "advises", as already stated in vii).

**Proposal:**

delete ix  
"ix. assist line managers"

comment

1393

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - xii. monitor compliance.

**Comment:**

it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.

**Proposal:**

delete xii  
~~xii. monitor compliance.~~

comment

1394

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 3. Safety review board.
- c. The safety review board should monitor:
  - iii. the effectiveness of the safety supervision of contracted operations.

**Comment:**

sub iii can be deleted, as it highlights only one specific element of the generic elements above. If so, then other similar important specific elements would need to be listed, too.

**Proposal:**

delete 3.c.iii  
~~iii. the effectiveness of the safety supervision of contracted operations.~~

comment

1396

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 3. Safety review board.
- b. The board should be chaired by the accountable manager and be composed of heads of functional areas.

**Proposal**

3.b The safety management board should be composed of **AT LEAST** the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager.

comment

1405

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

- 3. Safety review board.
- d. The safety review board should ensure that appropriate resources are

allocated to achieve the established safety performance.

**Comment:**

ensuring appropriate resources is not a task for the Safety Management Board, it is the accountable manager.

**Proposal:**

Delete 3.d in this form and at this place

comment

1408

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

4. Safety action group.
  - b. The safety action group should:
    - i. oversee operational safety;
    - ii. resolve identified risks;
    - iii. assess the impact on safety of operational changes;
    - iv. implement corrective action plans; and
    - v. ensure that corrective action is achieved within agreed timescales

**Comment:**

Sub-structure as per NPA not required at all, as too prescriptive, and even faulty (e.g. 4.b.i oversee operational safety: an action group does not "oversee"). The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.

**Proposal:**

Replace 4. by "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment

1409

comment by: KLM

**Relevant text:**

2. The safety manager.
  - a. ....
  - b. The functions of the safety manager should be to:
    - i. manage the implementation plan on behalf of the accountable manager;

**Comment:**

It is proposed to add SMS in order to avoid misunderstandings.

**Proposal:**

- b. The functions of the safety manager should be to:
  - i. manage the **SMS** implementation plan on behalf of the accountable manager;

comment

1410

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

5. Safety Accountability and Responsibilities

**Comment:**

This is defined in OR.GEN.210, (a) and (b), so redundant.

**Proposal:**  
Delete 5. Safety Accountability and Responsibilities

comment

1411

comment by: KLM

**Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
iii. monitor corrective action to ensure their accomplishment;

**Comment:**

The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.

**Proposal** : delete iii

~~"iii. monitor corrective action to ensure their accomplishment;"~~

comment

1412

comment by: KLM

**Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
v. maintain safety documentation;

**Comment:**

It is proposed to add SMS in order to avoid confusion with other safety documents.

The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual.

**Proposal:**

" v. maintain **SMS** safety documentation;"

comment

1413

comment by: KLM

**Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
vi. plan and organise staff safety training;

**Comment:**

It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings.

**Proposal:**

"vi. plan and organise staff **SMS** safety training;"

comment

1414

comment by: KLM

**Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
vii. provide independent advice on safety matters;  
viii. advise senior managers on safety matters;

**Comment:**

viii) duplicates with vii,

**Proposal:**

delete viii

comment	1415	comment by: KLM
<p><b>Relevant text:</b>  2. The safety manager.  b. The functions of the safety manager should be to:  ix. assist line managers;  <b>Comment:</b>  It is proposed to delete this item as "line manager" is not defined, and "assistance" means a kind of subordination, which supposedly is not intended. The safety manager "advises", as already stated in vii).  <b>Proposal:</b>  delete ix  "<del>ix. assist line managers</del>"</p>		
comment	1416	comment by: KLM
<p><b>Relevant text:</b>  2. The safety manager.  b. The functions of the safety manager should be to:  xii. monitor compliance.  <b>Comment:</b>  it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.  <b>Proposal:</b>  delete xii  <del>xii. monitor compliance.</del></p>		
comment	1418	comment by: KLM
<p><b>Relevant text:</b>  3. Safety review board.  c. The safety review board should monitor:  iii. the effectiveness of the safety supervision of contracted operations.  <b>Comment:</b>  sub iii can be deleted, as it highlights only one specific element of the generic elements above. If so, then other similar important specific elements would need to be listed, too.  <b>Proposal:</b>  delete 3.c.iii  <del>iii. the effectiveness of the safety supervision of contracted operations.</del></p>		
comment	1424	comment by: KLM
<p><b>Relevant text:</b>  3. Safety review board.  b. The board should be chaired by the accountable manager and be composed of heads of functional areas.    <b>Proposal</b>  3.b The safety management board should be composed of <b>AT LEAST</b> the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager.</p>		

comment 1429 comment by: KLM

**Relevant text:**

3. Safety review board.

d. The safety review board should ensure that appropriate resources are allocated to achieve the established safety performance.

**Comment:**

ensuring appropriate resources is not a task for the Safety Management Board, it is the accountable manager.

**Proposal:**

Delete 3.d in this form and at this place

comment 1430 comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.i. This has no added value (a copy paste of the regulations?)

**Proposal:**

~~i. applicable regulations;~~

comment 1432 comment by: KLM

**Relevant text:**

4. Safety action group.

b. The safety action group should:

- i. oversee operational safety;
- ii. resolve identified risks;
- iii. assess the impact on safety of operational changes;
- iv. implement corrective action plans; and
- v. ensure that corrective action is achieved within agreed timescales

**Comment:**

Sub-structure as per NPA not required at all, as too prescriptive, and even faulty (e.g. 4.b.i oversee operational safety: an action group does not "oversee"). The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.

**Proposal:**

Replace 4. by "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment 1433 comment by: KLM

**Relevant text:**

## 5. Safety Accountability and Responsibilities

**Comment:**

This is defined in OR.GEN.210, (a) and (b), so redundant.

**Proposal:**

Delete 5. Safety Accountability and Responsibilities

comment

1434

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.iv should read "management of records". Specify the scope of the records.

**Proposal:**

vi. management of records

comment

1435

comment by: KLM

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.i. This has no added value (a copy paste of the regulations?)

**Proposal:**

~~i. applicable regulations;~~

comment

1436

comment by: KLM

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.iv should read "management of records". Specify the scope of the records.

**Proposal:**

vi. management of records

comment

1437

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

8. Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; *and*
- xii. contracted activities.

**Comment:**

8.c.Is the Safety management manual a different manual than the safety management system manual as per 8.a.ii.? Clarification required

The documentations should be composed by safety policy, safety management manual.

Duplication of the requirement to include safety policy.

comment 1438

comment by: KLM

Relevant text:

8. Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

Comment:

8.c.Is the Safety management manual a different manual than the safety management system manual as per 8.a.ii.? Clarification required

The documentations should be composed by safety policy, safety management manual.

Duplication of the requirement to include safety policy.

comment 1439

comment by: KLM

**Relevant text:**

## 8.Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

**Comment:**

8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document.

comment 1440

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

## 8.Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

**Comment:**

8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document.

comment 1441 comment by: KLM

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (3)

**Comment:**

Due to the very detailed prescription of elements (where the mandatory principles have been ruled in the IR already), this whole article should be GM, not AMC

**Proposal:**

Change the title to "GM to OR.GEN.200 (a) (3)"

comment 1443 comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(3) Management System

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (3)

**Comment:**

Due to the very detailed prescription of elements (where the mandatory principles have been ruled in the IR already), this whole article should be GM, not AMC

**Proposal:**

Change the title to "GM to OR.GEN.200 (a) (3)"

comment 1512 comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1540 comment by: Deutsche Lufthansa AG

**Relevant text:**

2. The safety manager.

a. ....

b. The functions of the safety manager should be to:

i. manage the implementation plan on behalf of the accountable manager;

**Comment:**

It is proposed to add SMS in order to avoid misunderstandings.

**Proposal:**

b. The functions of the safety manager should be to:

i. manage the **SMS** implementation plan on behalf of the accountable manager;

comment 1541 comment by: Deutsche Lufthansa AG

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

iii. monitor corrective action to ensure their accomplishment;

**Comment:**

The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.

**Proposal :** delete iii

~~“iii. monitor corrective action to ensure their accomplishment;”~~

comment 1542

comment by: Deutsche Lufthansa AG

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

v. maintain safety documentation;

**Comment:**

It is proposed to add SMS in order to avoid confusion with other safety documents.

The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual.

**Proposal:**

“v. maintain **SMS** safety documentation;”

comment 1543

comment by: Deutsche Lufthansa AG

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

vi. plan and organise staff safety training;

**Comment:**

It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings.

**Proposal:**

“vi. plan and organise staff **SMS** safety training;”

comment 1544

comment by: Deutsche Lufthansa AG

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

vii. provide independent advice on safety matters;

viii. advise senior managers on safety matters;

**Comment:**

viii) duplicates with vii,

**Proposal:**

delete viii

comment 1545

comment by: Deutsche Lufthansa AG

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

ix. assist line managers;

**Comment:**

It is proposed to delete this item as “line manager” is not defined, and “assistance” means a kind of subordination, which supposedly is not intended.

The safety manager "advises", as already stated in vii).

**Proposal:**

delete ix

~~"ix. assist line managers"~~

comment

1546

comment by: Deutsche Lufthansa AG

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

xii. monitor compliance.

**Comment:**

it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.

**Proposal:**

delete xii

~~xii. monitor compliance.~~

comment

1547

comment by: Deutsche Lufthansa AG

**Relevant text:**

3. Safety review board.

c. The safety review board should monitor:

iii. the effectiveness of the safety supervision of contracted operations.

**Comment:**

sub iii can be deleted, as it highlights only one specific element of the generic elements above. If so, then other similar important specific elements would need to be listed, too.

**Proposal:**

delete 3.c.iii

~~iii. the effectiveness of the safety supervision of contracted operations.~~

comment

1548

comment by: Deutsche Lufthansa AG

**Relevant text:**

3. Safety review board.

b. The board should be chaired by the accountable manager and be composed of heads of functional areas.

**Proposal**

3.b The safety management board should be composed of **AT LEAST** the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager.

comment

1549

comment by: Deutsche Lufthansa AG

**Relevant text:**

3. Safety review board.

d. The safety review board should ensure that appropriate resources are allocated to achieve the established safety performance.

**Comment:**

ensuring appropriate resources is not a task for the Safety Management Board, it is the accountable manager.

**Proposal:**  
Delete 3.d in this form and at this place

comment

1550

comment by: *Deutsche Lufthansa AG***Relevant text:**

4. Safety action group.  
b. The safety action group should:  
i. oversee operational safety;  
ii. resolve identified risks;  
iii. assess the impact on safety of operational changes;  
iv. implement corrective action plans; and  
v. ensure that corrective action is achieved within agreed timescales

**Comment:**

Sub-structure as per NPA not required at all, as too prescriptive, and even faulty (e.g. 4.b.i oversee operational safety: an action group does not "oversee"). The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.

**Proposal:**

Replace 4. by "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment

1551

comment by: *Deutsche Lufthansa AG***Relevant text:**

5. Safety Accountability and Responsibilities

**Comment:**

This is defined in OR.GEN.210, (a) and (b), so redundant.

**Proposal:**

Delete 5. Safety Accountability and Responsibilities

comment

1552

comment by: *Deutsche Lufthansa AG***Relevant text:**

8. Documentation  
a. Documentation should consist of:  
i. applicable regulations;  
ii. safety management system manual;  
iii. SMS records; and  
iv. records management.

**Comment:**

8.a.i. This has no added value (a copy paste of the regulations?)

**Proposal:**

- ~~i. applicable regulations;~~

comment

1553

comment by: *Deutsche Lufthansa AG***Relevant text:**

8. Documentation  
iv. records management.

**Comment:**

8.a.iv should read "management of records". Specify the scope of the records.

**Proposal:**

vi. management of *safety relevant* records

comment

1555

comment by: *Deutsche Lufthansa AG*

Relevant text:

8. Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

i. scope of the safety management system;

ii. safety policy and objectives;

...

**Comment:**

8.c. Is the Safety management manual a different manual than the safety management system manual as per 8.a.ii.?

The documentation should be composed by safety policy, safety management manual.

Duplication of the requirement to include safety policy.

comment

1556

comment by: *Deutsche Lufthansa AG***Relevant text:**

8. Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

...

iv. key safety personnel;

...

**Comment:**

8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document.

comment

1557

comment by: *Deutsche Lufthansa AG***Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (3)

**Comment:**

Due to the very detailed prescription of elements (where the mandatory principles have been ruled in the IR already), this whole article should be GM, not AMC

**Proposal:**

Change the title to "GM to OR.GEN.200 (a) (3)"

comment

1639

comment by: *British Airways Safety & Security*

Section 3c. The Safety review board should not monitor the effectiveness of the implementation plan. It should monitor the effective of the management system though. Section 3c ii. should be reworded as follows:

3c ii. **the effectiveness of the management system; and**

comment 1640 comment by: *British Airways Safety & Security*

Section 2b. For clarity, the following items should be reworded.

Item vi should be reworded as: **oversee the planning and organisation of staff safety training;**

Item ix should be reworded as: **assist line managers in discharging their safety responsibilities;**

Item xii should be reworded as: **monitor compliance with the organisation's own procedures.**

comment 1644 comment by: *British Airways Safety & Security*

Section 4b, items iv and v should be amalgamated and reworded as follows, for clarity:

iv. **ensure that corrective action plans are implemented within agreed timescales.**

comment 1646 comment by: *British Airways Safety & Security*

It is not appropriate to include the implementation plan in the responsibilities of any group or body in the AMCs or GM. It is proposed that section 6 is deleted (and subsequent sections renumbered).

comment 1661 comment by: *CAA CZ*

AMC 2 to OR.GEN.200(a)(3), para 6. a., page 27

The plan should be endorsed by senior management and completed within a period of 2 years.

It should be clarified when the "SMS implementation plan" should be developed and signed. It should be clear if is required to sign prior to the issue of ATO approval, i.e. if it should be sent to the authority together with application for approval of ATO? The date from which 2 years to complete is counted - since date of signature of a plan or since the date of ATO approval?

comment 1684 comment by: *GE Aviation*

The AMC is unduly prescriptive on types of management structure. Other structures can be effective.

There should be no requirement to have a safety manual. Other forms of requirement flowdown can be as effective and may fit better with existing documentation.

comment 1692 comment by: *Ornulf LIEN*

*Comment:*

Item 6 in this AMC appears to be a "rule within the rule" regarding implementation period.

*Proposal:*

If a 2 year implementation period from the effective date of the regulation in general is intended, this should probably be described in the IR, e.g.:

**OR.GEN.200 Management system**

(a) An organisation shall establish ....

(3) within (... 2years ...) clearly defined lines of ....

Alternatively, and probably better if legally acceptable, it could be a separate AMC, to be deleted after two years.

*Justification:*

This should not be part of the "permanent" AMC unless it is intended that all new operators for the foreseeable future should have an "exemption" period of two years before the SMS part of the MS would have to be functional. This would probably be less than desirable.

If it is, however, intended to give existing operators adequate time to get the SMS up an running after transition to the new regulations, then it should probably be a separate AMC that could be taken out after the two year period has expired.

It should also be noted that this grace period is not given to small organisations.

comment

1793

comment by: *DFS Deutsche Flugsicherung GmbH*

AMC2 to OR.GEN.200(a)(3)

2b. ix. proposed text: Assist line managers **on safety matters.**

2b. xii proposed text: monitor compliance **with the safety management system**

comment

1794

comment by: *ACI EUROPE*

2. The Safety Manager

It is necessary to better define the relationship and interaction between the Safety Manager and the Compliance Manager (AMC to OR.GEN.200(a)(7) Management System, Compliance Monitoring System – General 3.a.-d.) since there appear to be overlapping accountabilities and tasks.

comment

1858

comment by: *International Air Transport Association (IATA)***Relevant text:**

2. The safety manager.

a. ....

b. The functions of the safety manager should be to:

i. manage the implementation plan on behalf of the accountable manager;

**Comment:**

It is proposed to add SMS in order to avoid misunderstandings.

**Proposal:**

b. The functions of the safety manager should be to:

i. manage the **SMS** implementation plan on behalf of the accountable manager;

comment 1859 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - iii. monitor corrective action to ensure their accomplishment;

**Comment:**

The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.

**Proposal :** delete iii

~~"iii. monitor corrective action to ensure their accomplishment;"~~

comment 1860 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - v. maintain safety documentation;

**Comment:**

It is proposed to add SMS in order to avoid confusion with other safety documents.

The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual.

**Proposal:**

" v. maintain **SMS** safety documentation;"

comment 1861 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - vi. plan and organise staff safety training;

**Comment:**

It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings.

**Proposal:**

"vi. plan and organise staff **SMS** safety training;"

comment 1862 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

- 2. The safety manager.
- b. The functions of the safety manager should be to:
  - vii. provide independent advice on safety matters;
  - viii. advise senior managers on safety matters;

**Comment:**

viii) duplicates with vii,

**Proposal:**

delete viii

comment 1863 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

- 2. The safety manager.

b. The functions of the safety manager should be to:  
ix. assist line managers;

**Comment:**

It is proposed to delete this item as "line manager" is not defined, and "assistance" means a kind of subordination, which supposedly is not intended. The safety manager "advises", as already stated in vii).

**Proposal:**

delete ix  
"ix. assist line managers"

comment 1865 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
xii. monitor compliance.

**Comment:**

it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.

**Proposal:**

delete xii  
~~xii. monitor compliance.~~

comment 1867 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

3. Safety review board.  
c. The safety review board should monitor:  
iii. the effectiveness of the safety supervision of contracted operations.

**Comment:**

sub iii can be deleted, as it highlights only one specific element of the generic elements above. If so, then other similar important specific elements would need to be listed, too.

**Proposal:**

delete 3.c.iii  
~~iii. the effectiveness of the safety supervision of contracted operations.~~

comment 1868 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

3. Safety review board.  
b. The board should be chaired by the accountable manager and be composed of heads of functional areas.

**Proposal**

3.b The safety management board should be composed of **AT LEAST** the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager.

comment 1869 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

3. Safety review board.

d. The safety review board should ensure that appropriate resources are allocated to achieve the established safety performance.

**Comment:**

ensuring appropriate resources is not a task for the Safety Management Board, it is the accountable manager.

**Proposal:**

Delete 3.d in this form and at this place

comment

1870

comment by: *International Air Transport Association (IATA)***Relevant text:**

4. Safety action group.

b. The safety action group should:

i. oversee operational safety;

ii. resolve identified risks;

iii. assess the impact on safety of operational changes;

iv. implement corrective action plans; and

v. ensure that corrective action is achieved within agreed timescales

**Comment:**

Sub-structure as per NPA not required at all, as too prescriptive, and even faulty (e.g. 4.b.i oversee operational safety: an action group does not "oversee"). The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.

**Proposal:**

Replace 4. by "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment

1872

comment by: *International Air Transport Association (IATA)***Relevant text:**

5. Safety Accountability and Responsibilities

**Comment:**

This is defined in OR.GEN.210, (a) and (b), so redundant.

**Proposal:**

Delete 5. Safety Accountability and Responsibilities

comment

1873

comment by: *International Air Transport Association (IATA)***Relevant text:**

8. Documentation

a. Documentation should consist of:

i. applicable regulations;

ii. safety management system manual;

iii. SMS records; and

iv. records management.

**Comment:**

8.a.i. This has no added value (a copy paste of the regulations?)

**Proposal:**

~~i. applicable regulations;~~

comment

1875

comment by: *International Air Transport Association (IATA)*

**Relevant text:**

8. Documentation  
 a. Documentation should consist of:  
 i. applicable regulations;  
 ii. safety management system manual;  
 iii. SMS records; and  
 iv. records management.

**Comment:**

8.a.iv should read "management of records". Specify the scope of the records.

**Proposal:**

- vi. management of records

comment

1877

comment by: *International Air Transport Association (IATA)***Relevant text:**

8. Documentation  
 c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:  
 i. scope of the safety management system;  
 ii. safety policy and objectives;  
 iii. safety accountabilities;  
 iv. key safety personnel;  
 v. documentation control procedures;  
 vii. hazard identification and risk management schemes;  
 viii. safety performance monitoring;  
 ix. emergency response planning;  
 x. management of change;  
 xi. safety promotion; and  
 xii. contracted activities.

**Comment:**

8.c. Is the Safety management manual a different manual than the safety management system manual as per 8.a.ii.? Clarification required

The documentations should be composed by safety policy, safety management manual.

Duplication of the requirement to include safety policy.

comment

1878

comment by: *International Air Transport Association (IATA)***Relevant text:**

8. Documentation  
 c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:  
 i. scope of the safety management system;  
 ii. safety policy and objectives;  
 iii. safety accountabilities;  
 iv. key safety personnel;  
 v. documentation control procedures;

- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

**Comment:**

8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document.

comment

1879

comment by: *International Air Transport Association (IATA)***Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (3)

**Comment:**

Due to the very detailed prescription of elements (where the mandatory principles have been ruled in the IR already), this whole article should be GM, not AMC

**Proposal:**

Change the title to "GM to OR.GEN.200 (a) (3)"

comment

1915

comment by: *AIR FRANCE***Relevant text:**

2. The safety manager.

a. ....

b. The functions of the safety manager should be to:

i. manage the implementation plan on behalf of the accountable manager;

**Comment:**

It is proposed to add SMS in order to avoid misunderstandings.

**Proposal:**

b. The functions of the safety manager should be to:

i. manage the **SMS** implementation plan on behalf of the accountable manager;

comment

1916

comment by: *AIR FRANCE***Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

iii. monitor corrective action to ensure their accomplishment;

**Comment:**

The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.

**Proposal** : delete iii

~~"iii. monitor corrective action to ensure their accomplishment;"~~

comment

1917

comment by: *AIR FRANCE***Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

v. maintain safety documentation;

**Comment:**

It is proposed to add SMS in order to avoid confusion with other safety documents.

The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual.

**Proposal:**

" v. maintain **SMS** safety documentation;"

comment

1918

comment by: AIR FRANCE

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

vi. plan and organise staff safety training;

**Comment:**

It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings.

**Proposal:**

"vi. plan and organise staff **SMS** safety training;"

comment

1919

comment by: AIR FRANCE

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

ix. assist line managers;

**Comment:**

It is proposed to delete this item as "line manager" is not defined, and "assistance" means a kind of subordination, which supposedly is not intended. The safety manager "advises", as already stated in vii).

**Proposal:**

delete ix

"ix. assist line managers"

comment

1921

comment by: AIR FRANCE

**Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

xii. monitor compliance.

**Comment:**

it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.

**Proposal:**

delete xii

~~xii. monitor compliance.~~

comment

1922

comment by: AIR FRANCE

**Relevant text:**

3. Safety review board.

b. The board should be chaired by the accountable manager and be composed of heads of functional areas.

**Proposal**

3.b The safety management board should be composed of **AT LEAST** the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager.

comment 1923

comment by: AIR FRANCE

**Relevant text:**

3. Safety review board.

d. The safety review board should ensure that appropriate resources are allocated to achieve the established safety performance.

**Comment:**

ensuring appropriate resources is not a task for the Safety Management Board, it is the accountable manager.

**Proposal:**

Delete 3.d in this form and at this place

comment 1924

comment by: AIR FRANCE

4. Safety action group.

b. The safety action group should:

- i. oversee operational safety;
- ii. resolve identified risks;
- iii. assess the impact on safety of operational changes;
- iv. implement corrective action plans; and
- v. ensure that corrective action is achieved within agreed timescales

**Comment:**

Sub-structure as per NPA not required at all, as too prescriptive, and even faulty (e.g. 4.b.i oversee operational safety: an action group does not "oversee"). The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.

**Proposal:**

Replace 4. by "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment 1925

comment by: AIR FRANCE

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.iv should read "management of records". Specify the scope of the records.

**Proposal:**

vi. management of records

comment	<p>1926 <span style="float: right;">comment by: AIR FRANCE</span></p> <p>Comment: 8.c. Is the Safety management manual a different manual than the safety management system manual as per 8.a.ii.? Clarification required The documentations should be composed by safety policy, safety management manual. Duplication of the requirement to include safety policy.</p>
comment	<p>1927 <span style="float: right;">comment by: AIR FRANCE</span></p> <p><b>Relevant text:</b> Entire text of AMC 2 to OR.GEN.200 (a) (3) <b>Comment:</b> Due to the very detailed prescription of elements (where the mandatory principles have been ruled in the IR already), this whole article should be GM, not AMC <b>Proposal:</b> Change the title to "GM to OR.GEN.200 (a) (3)"</p>
comment	<p>1946 <span style="float: right;">comment by: IACA International Air Carrier Association</span></p> <p>8.c. This is a good example of an AMC like many others that should be "downgraded" to GM. AMC 2 to OR.GEN.200(a)(3) should be replaced by the ICAO Safety Management Manual (SMM) Doc 9859 latest edition. Justification: changes to the ICAO SMM does not require a change to the EASA AMC, additionally, the ICAO SMM is a global reference.</p>
comment	<p>1986 <span style="float: right;">comment by: Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.</span></p> <p>2. The Safety Manager It is necessary to better define the relationship and interaction between the Safety Manager and the Compliance Manager (AMC to OR.GEN.200(a)(7) Management System, Compliance Monitoring System – General 3.a.-d.) since there appear to be overlapping accountabilities and tasks.</p>
comment	<p>2010 <span style="float: right;">comment by: AIRBUS</span></p> <p>It is proposed to replace "xii. monitor compliance" by "xii. evaluate safety risk from the results (finding) of the compliance monitoring system" in the paragraph 2b. Rationale/Justification:</p> <ul style="list-style-type: none"> <li>• The compliance monitoring system (e.g. Quality system) is not managed by the Safety Manager.</li> <li>• The compliance monitoring system is managed by a dedicated Manager/post holder (refer to AMC 1 to OR.GEN.200(a)(7)-3 and to NPA 2009-02c: OR.OPS.210.AOC-a4).</li> <li>• Non-compliance must be corrected, even if level of safety risk associated to the non-compliance (finding) is acceptable.</li> <li>• The Safety Manager must determine the level of safety risk of the finding identified by the compliance monitoring system but he is not in charge of the compliance monitoring system.</li> </ul>

- Considering the compliance monitoring as a function of the Safety Manager, would imply to modify the current organization of the Airlines (EU-OPS) and the content of its operations manual part A.

comment 2030 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
xii. monitor compliance.

**Comment:**

it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.

**Proposal:**

delete xii  
~~xii. monitor compliance.~~

comment 2032 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
ix. assist line managers;

**Comment:**

It is proposed to delete this item as "line manager" is not defined, and "assistance" means a kind of subordination, which supposedly is not intended. The safety manager "advises", as already stated in vii).

**Proposal:**

delete ix  
~~"ix. assist line managers"~~

comment 2034 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

3. Safety review board.  
d. The safety review board should ensure that appropriate resources are allocated to achieve the established safety performance.

**Comment:**

ensuring appropriate resources is not a task for the Safety Management Board, it is the accountable manager.

**Proposal:**

Delete 3.d in this form and at this place

comment 2035 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

3. Safety review board.  
b. The board should be chaired by the accountable manager and be composed of heads of functional areas.

**Proposal**

3.b The safety management board should be composed of **AT LEAST** the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager.

comment 2041 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

Comment:

8.a.i. This has no added value (a copy paste of the regulations?)

Proposal:

delete i. applicable regulations;

comment 2045 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.i. This has no added value (a copy paste of the regulations?)

**Proposal:**

~~i. applicable regulations;~~

comment 2080 comment by: *ERA*

Add SMS in order to avoid misunderstandings.

Therefore, Change 2. The safety manager sub-paragraph (b) i. to: "manage the **SMS** implementation plan on behalf of the accountable manager;" v. to: "maintain **SMS** safety documentation;" and vi. to: "plan and organise staff **SMS** safety training;"

Change 3. Safety review board sub-paragraph b: "The safety management board should be composed of **AT LEAST** the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager."

comment 2082 comment by: *TNT Airways*

4. Safety action group.

a. The safety action group should report to and take strategic direction from the safety review board; and should be comprised of managers, supervisors and staff from operational areas.

Comment:

Safety action group are not always mandatory.

Proposal:

a. *Safety action group should be established where required based on a*

*decision of the safety review board.* The safety action group should report to and take strategic direction from the safety review board; and should be comprised of managers, supervisors and staff from operational areas.

comment 2115 comment by: *Lufthansa CityLine GmbH*

To avoid misunderstandings following clarification would be helpful:

i. manage the **SMS** implementations plan

iii. **delete iii**, because it is part of the compliance managers (better quality managers) responsibilities

v. maintain **SMS** documentation

vi. plan and organise staff **SMS** training

**delete viii**. it is part of vii.

**delete ix**. a) there is no definition for line managers

b) the safety manager advices as already mentioned in vii.

xii. a) monitor compliance **concerning SMS** or better

b) **delete xii**. Because compliance monitoring is part of the compliance managers responsibilities (better part of the quality managers responsibilities) otherwise the compliance manager would have to report to the Safety Manager instead to the Accountable Manager.

(see also NPA 2008 22a Appendix II – Explanatory Memorandum to Part-OR (39.))

comment 2195 comment by: *Virgin Atlantic Airways*

Relevant text:

2. The safety manager.

b. The functions of the safety manager should be to:

vi. plan and organise staff safety training;

Comment:

Replace safety with SMS as the Safety Manager is not in charge of all the safety related training.

Proposal:

"vi. plan and organise staff **SMS** safety training;"

comment 2202 comment by: *Virgin Atlantic Airways*

Relevant text:

2. The safety manager.

b. The functions of the safety manager should be to:

xii. monitor compliance.

**Comment:**

We propose that this item be deleted as compliance monitoring is the responsibility of the Compliance Monitoring System.

**Proposal:**

delete xii  
xii. monitor compliance.

comment

2203

comment by: *Icelandair***Relevant text:**

2. The safety manager.

a. ....

b. The functions of the safety manager should be to:

i. manage the implementation plan on behalf of the accountable manager;

**Comment:**

It is proposed to add SMS in order to avoid misunderstandings.

**Proposal:**

b. The functions of the safety manager should be to:

i. manage the **SMS** implementation plan on behalf of the accountable manager;

comment

2204

comment by: *Icelandair***Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

iii. monitor corrective action to ensure their accomplishment;

**Comment:**

The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.

**Proposal** : delete iii

comment

2205

comment by: *Icelandair***Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

v. maintain safety documentation;

**Comment:**

It is proposed to add SMS in order to avoid confusion with other safety documents.

The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual.

**Proposal:**

" v. maintain **SMS** documentation;"

comment

2206

comment by: *Icelandair***Relevant text:**

2. The safety manager.

b. The functions of the safety manager should be to:

vi. plan and organise staff safety training;

**Comment:**

It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings.

**Proposal:**

"vi. plan and organise staff **SMS** training;"

comment

2207

comment by: *Icelandair***Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
vii. provide independent advice on safety matters;  
viii. advise senior managers on safety matters;

**Comment:**

viii) duplicates with vii,

**Proposal:**

delete viii

comment

2209

comment by: *Icelandair***Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
ix. assist line managers;

**Comment:**

It is proposed to delete this item as "line manager" is not defined, and "assistance" means a kind of subordination, which supposedly is not intended. The safety manager "advises", as already stated in vii).

**Proposal:**

delete ix

comment

2210

comment by: *Icelandair***Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:  
xii. monitor compliance.

**Comment:**

it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may cause confusion.

**Proposal:**

delete xii

comment

2211

comment by: *Icelandair***Relevant text:**

3. Safety review board.  
c. The safety review board should monitor:  
iii. the effectiveness of the safety supervision of contracted operations.

**Comment:**

sub iii can be deleted, as it highlights only one specific element of the generic elements above. If so, then other similar important specific elements would need to be listed, too.

**Proposal:**

delete 3.c.iii

comment

2212

comment by: *Icelandair*

**Relevant text:**

3. Safety review board.

b. The board should be chaired by the accountable manager and be composed of heads of functional areas.

**Proposal**

3.b The safety management board should be composed of **AT LEAST** the accountable manager, the Post Holders and other safety relevant functions such as but not limited to Safety Manager, Quality Manager, Security Manager.

comment

2214

comment by: *Icelandair*

**Relevant text:**

3. Safety review board.

d. The safety review board should ensure that appropriate resources are allocated to achieve the established safety performance.

**Comment:**

ensuring appropriate resources is not a task for the Safety Management Board, it is the accountable manager.

**Proposal:**

Delete 3.d in this form and at this place

comment

2215

comment by: *Icelandair*

**Relevant text:**

4. Safety action group.

b. The safety action group should:

i. oversee operational safety;

ii. resolve identified risks;

iii. assess the impact on safety of operational changes;

iv. implement corrective action plans; and

v. ensure that corrective action is achieved within agreed timescales

**Comment:**

Sub-structure as per NPA not required at all, as too prescriptive, and even faulty (e.g. 4.b.i oversee operational safety: an action group does not "oversee"). The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.

**Proposal:**

Replace 4. by "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment

2216

comment by: *Icelandair*

**Relevant text:**

5. Safety Accountability and Responsibilities

**Comment:**

This is defined in OR.GEN.210, (a) and (b), so redundant.

**Proposal:**

Delete 5. Safety Accountability and Responsibilities

comment

2217

comment by: *Virgin Atlantic Airways*

Relevant text:

4. Safety action group.

b. The safety action group should:

- i. oversee operational safety;
- ii. resolve identified risks;
- iii. assess the impact on safety of operational changes;
- iv. implement corrective action plans; and
- v. ensure that corrective action is achieved within agreed timescales

Comment:

Sub-structure as per NPA not required at all, as too prescriptive. The terms of reference for such groups should be determined by the Safety Review Board, appropriate to the action case.

Proposal:

Replace 4. with "Safety action groups should be established where required based on a decision of the safety review board, and should typically comprise managers, supervisors and staff from relevant operational areas"

comment

2218

comment by: *Icelandair*

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.i. This has no added value (a copy paste of the regulations?)

**Proposal:**

comment

2219

comment by: *Icelandair*

**Relevant text:**

8. Documentation

a. Documentation should consist of:

- i. applicable regulations;
- ii. safety management system manual;
- iii. SMS records; and
- iv. records management.

**Comment:**

8.a.iv should read "management of records". Specify the scope of the records.

**Proposal:**

vi. management of records

comment

2220

comment by: *Icelandair***Relevant text:**

8. Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

**Comment:**

8.c. Is the Safety management manual a different manual than the safety management system manual as per 8.a.ii.? Clarification required

The documentations should be composed by safety policy, safety management manual.

Duplication of the requirement to include safety policy.

comment

2221

comment by: *Icelandair***Relevant text:**

8. Documentation

c. The safety management manual (SMM) should be the key instrument for communicating the approach to safety for the whole of the organisation and documents all aspects of the SMS, including the safety policy, objectives, procedures and individual safety accountabilities. The contents of the safety management system manual should include:

- i. scope of the safety management system;
- ii. safety policy and objectives;
- iii. safety accountabilities;
- iv. key safety personnel;
- v. documentation control procedures;
- vii. hazard identification and risk management schemes;
- viii. safety performance monitoring;
- ix. emergency response planning;
- x. management of change;
- xi. safety promotion; and
- xii. contracted activities.

**Comment:**

8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document.

comment

2222

comment by: *Virgin Atlantic Airways***Relevant text:**

2. The safety manager.  
b. The functions of the safety manager should be to:

iii. monitor corrective action to ensure their accomplishment;

Comment:

The corrective actions are the responsibility of the compliance monitoring system, this item should be deleted.

Proposal: delete iii

"iii. monitor corrective action to ensure their accomplishment;"

comment

2223

comment by: *Icelandair*

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (3)

**Comment:**

Due to the very detailed prescription of elements (where the mandatory principles have been ruled in the IR already), this whole article should be GM, not AMC

**Proposal:**

Change the title to "GM to OR.GEN.200 (a) (3)"

comment

2331

comment by: *Europe Air Sports PM*

The proposals are disproportionate. As no formal definition of a "small" organisation exists, all related items should be reviewed.

comment

2345

comment by: *Nordic Airways*

According to 2.b.xii. the Safety Manager should "monitor compliance", although it does not specify what he should monitor and compliance with what.

According to OR.GEN.200 (a)(7) and its corresponding AMC 1 point 3, this responsibility rests with the Quality Assurance Manager.

Either point 2.b.xii should be removed or it should be explained how this responsibility relates to the responsibilities of the Quality Assurance Manager.

comment

2410

comment by: *FINNAIR*

i)

It is proposed to add SMS in order to avoid misunderstandings. Proposal:

b. The functions of the safety manager should be to:

i. manage the **SMS** implementation plan on behalf of the accountable manager;

comment

2414

comment by: *FINNAIR*

iii)

The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.

Proposal : delete iii  
~~"iii. monitor corrective action to ensure their accomplishment;"~~

comment 2415 comment by: FINNAIR

ix)  
 It is proposed to delete this item as it is unclear and the line manager is not defined.  
 Proposal: delete ix  
~~"ix. assist line managers"~~

comment 2416 comment by: FINNAIR

3.c.iii The post holders are responsible for contract, SMS for incorporate it, the safety manager oversees the post holders and they oversee the contractor. 3 c. Iii should be deleted

comment 2417 comment by: FINNAIR

3.b The safety management board should be composed of AT LEAST the accountable manager.....

comment 2419 comment by: FINNAIR

3.d. (d) ensuring that appropriate resources is not a task for the Safety Management Board, it should be the accountable manager.

comment 2421 comment by: FINNAIR

4. Safety Action Group  
 Replace 4. by "Safety action boards should be established where required based on a decision of the safety review board, and should be typically comprised of manager, supervisors and staff from operational areas"

comment 2422 comment by: FINNAIR

5. Safety Accountability and Responsibilities  
 This is defined in OR.GEN.210, (a) and (b) so Redundant. Delete 5. Safety Accountability and Responsibilities

comment 2426 comment by: FINNAIR

8.a.i. This has no added value 8.a.iv  
 should read management of records. Specify the scope of the records.  
 8.c.Safety management manual is a separate manual than the safety manual?  
 The documentations should be composed by safety policy, safety management manual. Duplication of the requirement to include safety policy.  
 8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document.

comment 2427 comment by: FINNAIR

This AMC should be GM, not AMC

comment 2464 comment by: CB

i)  
It is proposed to add SMS in order to avoid misunderstandings. Proposal:  
b. The functions of the safety manager should be to:  
i. manage the **SMS** implementation plan on behalf of the accountable manager;

comment 2465 comment by: CB

iii)  
The corrective actions are of the responsibility of the compliance monitoring system, should be deleted.  
Proposal : delete iii  
~~"iii. monitor corrective action to ensure their accomplishment;"~~

comment 2466 comment by: CB

v)  
It is proposed to add SMS in order to avoid confusion with other safety documents.  
The Safety Manager is not in charge of all the safety related documentation such as for example the Ops Manual. Proposal:  
" v. maintain **SMS** safety documentation;"

comment 2467 comment by: CB

vi)  
It is proposed to add SMS in place of safety as the Safety Manager is not in charge of all the safety related trainings. Proposal:  
"vi. plan and organise staff **SMS** safety training;"

comment 2468 comment by: CB

viii) duplicates with i,  
Proposal: delete viii

comment 2469 comment by: CB

ix)  
It is proposed to delete this item as it is unclear and the line manager is not defined.  
Proposal: delete ix  
~~"ix. assist line managers"~~

comment 2470 comment by: CB

xii)  
it is proposed to delete this item as the compliance monitoring is the responsibility of the Compliance Monitoring System. This may be the cause of confusion.

- comment 2471 comment by: CB  
 3.c.iii The post holders are responsible for contract, SMS for incorporate it, the safety manager oversees the post holders and they oversee the contractor. 3 c. Iii should be deleted
- comment 2472 comment by: CB  
 3.b The safety management board should be composed of AT LEAST the accountable manager.....
- comment 2473 comment by: CB  
 3.d. (d) ensuring that appropriate resources is not a task for the Safety Management Board, it should be the accountable manager.
- comment 2474 comment by: CB  
 4. Safety Action Group  
 Replace 4. by "Safety action boards should be established where required based on a decision of the safety review board, and should be typically comprised of manager, supervisors and staff from operational areas"
- comment 2475 comment by: CB  
 5. Safety Accountability and Responsibilities  
 This is defined in OR.GEN.210, (a) and (b) so Redundant. Delete 5. Safety Accountability and Responsibilities
- comment 2476 comment by: CB  
 8.a.i. This has no added value  
 8.a.iv should read management of records. Specify the scope of the records.  
 8.c.Safety management manual is a separate manual than the safety manual? The documentations should be composed by safety policy, safety management manual. Duplication of the requirement to include safety policy.  
 8.c. The safety management manual (SMM), the requirements included here are redundant, the nomination of key personnel has been carried out as part of the organization manual, which is the top document.
- comment 2477 comment by: CB  
 This AMC should be GM, not AMC

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 1 to OR.GEN.200(a)(4) Management System**

p. 28

- comment 50 comment by: George Knight  
 This AMC is attempting to impose inappropriate and disproportionate controls onto small ATOs that are mainly recreational clubs. It is attempting to extend EASA's remit into that belonging to other government agencies such as the

UK's HSE.

Specifically it does not consider the fact that many small ATOs will not employ any staff.

comment

405

comment by: *Civil Aviation Authority of Norway*

An AMC for small organisations seem unnecessary because the training requirements are applicable to all type of organisations. The flexibility provisions should be included in the IR or AMC.

comment

517

comment by: *UK CAA*

**Page No:**  
28

**Paragraph No:** AMC 1 to OR.GEN.200(a)(4) para 1 Small Organisations.

Comment: The AMC for small organisations does not include the competency required in other organisations.

**Justification:** Although their training may be different the need for competence should still be there no matter the size of the organisation

**Proposed Text (if applicable):** Add an additional para 1 c. "In particular all managers, supervisors and operational personnel should be trained and be competent to perform their duties."

comment

519

comment by: *UK CAA*

**Page No:**  
28

**Paragraph No:** AMC 1 and AMC 2 to OR.GEN.200(a)(4) para 1 a&b

**Comment:** Guidance material needs to be developed to detail what should be included in Safety Training.

**Justification:** Without further clarity this will lead to inconsistency of the safety training whereas this is an important part of the process.

**Proposed Text (if applicable):** develop guidance material with the following text.

For operational staff the safety training should include:

SMS fundamentals and overview

Human Factors and Organisational Factors

Safety philosophy, safety policies and safety standards

Safety responsibilities and accountabilities

Organisation's SMS functions

Lines of communication for safety matters

Diciplinary Policy and Safety Culture

Safety reporting

Unique operational safety hazards

Seasonal safety hazards  
 Safety Initiatives ie FDA, LOSA etc  
 Emergency procedures

In addition to the above Operational and Senior Managers should also have safety training on:

Engaging staff in hazard reporting  
 Detailed knowledge of the Safety process including  
 Hazard identification, Safety Risk Analysis and Mitigation and Change Management  
 Active promotion of SMS  
 Performance measurement and establishing acceptable levels of safety  
 Internal communication

comment 784

comment by: *European HF Advisory Group*

**Page No: 28**

**Paragraph No: AMC 1 and AMC 2 to OR.GEN.200(a)(4) para 1 a&b**

**Comment:** Guidance material needs to be developed to detail what should be included in Safety Training. This should include Human factors as this is a key element of an SMS.

**Justification:** Without further clarity this will lead to inconsistency of the safety training whereas this is an important part of the process.

**Proposed Text (if applicable):** develop guidance material with the following text.

For operational staff the safety training should include:

SMS fundamentals and overview  
 Human Factors and Organisational Factors  
 Safety philosophy, safety policies and safety standards  
 Safety responsibilities and accountabilities  
 Organisation's SMS functions  
 Lines of communication for safety matters  
 Disciplinary Policy and Safety Culture  
 Safety reporting  
 Unique operational safety hazards  
 Seasonal safety hazards  
 Safety Initiatives ie FDA, LOSA etc  
 Emergency procedures

In addition to the above Operational and Senior Managers should also have safety training on:

Engaging staff in hazard reporting  
 Detailed knowledge of the Safety process including  
 Hazard identification, Safety Risk Analysis and Mitigation and Change Management  
 Active promotion of SMS  
 Performance measurement and establishing acceptable levels of safety  
 Internal communication

comment	860	comment by: <i>NATS</i>
1b. If training is provided by a training service provider (third party) should some form of accreditation be required?		
comment	888	comment by: <i>Boeing</i>
<i>AMC 1 to OR.GEN.200(a)(4)</i> <i>Page 28</i>		
There are differences between this AMC and the next one [AMC 2 to OR.GEN.200(a)(4), Management System – Other Organizations] in verbiage regarding training, e.g., staff vs. personnel, etc. Please standardize the terminology to clarify.		
<b>JUSTIFICATION:</b> No differences should exist in this aspect between small and other organizations.		
comment	889	comment by: <i>Boeing</i>
<i>AMC 2 to OR.GEN.200(a)(4)</i> <i>Page 28</i>		
For “Other Organizations,” it appears that e-learning is not accepted for safety training programs, although it is accepted for “Small Organizations” [in AMC 1 to OR.GEN.200(a)(4)]. We request that both organizations be able to train through the same media.		
<b>JUSTIFICATION:</b> No differences in this aspect should exist between “Small” and “Other” organizations.		
comment	1088	comment by: <i>EUROPEAN GLIDING UNION</i>
The proposals are disproportionate. As no formal definition of a “small” organisation exists, all related items should be reviewed.		
comment	1123	comment by: <i>AEA</i>
<b>Relevant text:</b>		
1. Training.		
a. All personnel should receive safety training as appropriate for their safety responsibilities.		
b. The safety training programme for a small organisation may consist of elearning or similar training provided by training service providers.		
<b>Comment:</b>		
It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.		
<b>Proposal:</b>		
1. Training.		
a. All staff should receive safety training as appropriate for their safety responsibilities.		
b.The safety training programme may consist of e-learning or similar training		

provided by training service providers.

comment

1181

comment by: *Danish Balloon Organisation*

**AMC 1 to OR.GEN.200(a)(4)**

We suggest that the AMC be amended as follows:

**AMC 1 to OR.GEN.200(a)(4) Management System**

TRAINING AND COMMUNICATION ON SAFETY

SMALL ORGANISATIONS and **ORGANISATIONS RUN BY NATIONAL AEROCLUB ASSOCIATIONS FOR MEMBERS ONLY**

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation and **organisations run by national aeroclub associations for members only** may consist of elearning or similar training provided by training service providers.

Justification: National aeroclub associations should given the same conditions as "Small Organisations". Item 2 is not applicable for organisations run by aeroclub associations for members only.

comment

1182

comment by: *Royal Danish Aeroclub*

"Small organisations" should be changed to "Small organisations and organisations run by aeroclubs for members only".

Reason: There is no reason to implement the same demands to volunteer based organisations as organisations or companies offering service to the public.

The volunteer based aeroclubs will not function with the same regulations as professional run companies, and the regulation should be different.

comment

1270

comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation may consist of elearning or similar training provided by training service providers.

Comment:

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

Proposal:

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of elearning or similar training provided by training service providers.

comment 1444

comment by: KLM

**Relevant text:**

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation may consist of e-learning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment 1449

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 1 to OR.GEN.200(a)(4) Management System

And

AMC 2 to OR.GEN.200(a)(4) Management System

**Relevant text:**

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation may consist of e-learning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment 1513

comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment

1558

comment by: *Deutsche Lufthansa AG***Relevant text:**

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation may consist of e-learning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment

1662

comment by: *CAA CZ*

AMC 1 to OR.GEN.200 (a)(4) 1. b., page 28

The definition of „training service providers“ should be added. The person who approves them. should be specified.

comment

1694

comment by: *Fédération Française Aéronautique*

FFA basically supports the principle of proportionate rule applicable to “Very small” (see our proposed definition in the FFA comment on NPA page 1 above, namely, ATOs providing training for basic LPL, LPL, PPL, BPL and SPL) and “Small” organisations. But, as it is, the proposed rule is over-prescriptive.

So, FFA accepts the rule whether it would only apply to the “Head of Training”, not to “all the personnel”.

comment

1734

comment by: *CAE*

AMC 1 to OR.GEN.200 (a)(4) and AMC 2 to OR.GEN.200 (a)(4) Page 28

There are differences between these AMC in verbiage regarding Training, e.g. Staff vs. Personnel etc. Please standardize to clarify.

For “Other organizations”, e-learning is not accepted for safety training programmes

No differences should exist in this aspect between small and other organizations.

comment

1880

comment by: *International Air Transport Association (IATA)***Relevant text:**

1. Training.

- a. All personnel should receive safety training as appropriate for their safety responsibilities.
- b. The safety training programme for a small organisation may consist of elearning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

## 1. Training.

- a. All staff should receive safety training as appropriate for their safety responsibilities.
- b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment

1931

comment by: *British Airways Safety & Security*

The difference between small organisations and other organisations regarding training and communication is unnecessary and unhelpful. Suggest there is only one AMC to cover both. For example, 1b) in SMALL ORGANISATIONS can be worded in a way that meets all organisation requirements. 1b) from OTHER ORGANISATIONS can then become 1c)

1b) Should delete the restriction that it is applicable only to a small organisation. Suggest wording as:

The safety training programme may consist of ...

comment

2113

comment by: *Irish Aviation Authority*

Para 1(b) - what is the definition of a 'small organisation'? sw 280509

comment

2224

comment by: *Icelandair***Relevant text:**

## 1. Training.

- a. All personnel should receive safety training as appropriate for their safety responsibilities.
- b. The safety training programme for a small organisation may consist of elearning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

## 1. Training.

- a. All staff should receive safety training as appropriate for their safety responsibilities.
- b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment

2332

comment by: *Europe Air Sports PM*

The proposals are disproportionate. As no formal definition of a "small" organisation exists, all related items should be reviewed.

comment 2379

comment by: Klaus HARTMANN

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland. Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 - 08:00 loc und 19:30 - 21:30 loc)
2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.
3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 - 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus. Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die

eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freie Ballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigter aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freie Ballonführer BPL/LPL(B)' geben.**

**Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.**

**Für Mini - ATO's BPL/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manuals' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini - ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini - ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini - ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch Senior Examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.**

**Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfahrten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini - ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.**

**Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglichst sein.**

comment 2441 comment by: *FlightSafety International*

There are differences between these AMC in verbiage regarding Training, e.g. Staff vs. Personnel etc. Please standardize to clarify.  
For "Other organizations", e-learning is not accepted for safety training programmes

No differences should exist in this aspect between small and other organizations.

comment 2446 comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU points out that this AMC is not adapted and unrealistic for Small non commercial, non profit training organisations in which there is one person only : the "head of training".  
So EPFU thinks that another specific AMC must be proposed for that category of Small flight training organisation

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.200(a)(4) Management System** p. 28-29

comment 518 comment by: *UK CAA*

**Page No:**  
28

**Paragraph No:** AMC 2 to OR.GEN.200(a)(4) para 1 a&b

Comment: The rule requires training and competency for all personnel whereas the AMC focuses on safety training and safety competency. The AMC should cover both technical and non-technical i.e. safety training and competencies to ensure that not only have personnel received appropriate training but they have the skills and abilities to carry out their tasks and that their competency has been assessed.

**Justification:** Further guidance is needed to clarify the rule as competency is not just about training and the AMC could therefore be misleading.

**Proposed Text (if applicable):**

1. a. All staff should receive appropriate training including safety training appropriate for their responsibilities
- b. In particular all managers, supervisors and operational personnel should be trained and be competent to perform their duties.

comment 520 comment by: *UK CAA*

**Page No:**  
28

**Paragraph No:** AMC 1 and AMC 2 to OR.GEN.200(a)(4) para 1 a&b

Comment: Guidance material needs to be developed to detail what should be included in Safety Training.

**Justification:** Without further clarity this will lead to inconsistency of the safety training whereas this is an important part of the process.

**Proposed Text (if applicable):** develop guidance material with the following text.

For operational staff the safety training should include:

SMS fundamentals and overview

Human Factors and Organisational Factors  
 Safety philosophy, safety policies and safety standards  
 Safety responsibilities and accountabilities  
 Organisation's SMS functions  
 Lines of communication for safety matters  
 Disciplinary Policy and Safety Culture  
 Safety reporting  
 Unique operational safety hazards  
 Seasonal safety hazards  
 Safety Initiatives ie FDA, LOSA etc  
 Emergency procedures

In addition to the above Operational and Senior Managers should also have safety training on:

Engaging staff in hazard reporting  
 Detailed knowledge of the Safety process including  
 Hazard identification, Safety Risk Analysis and Mitigation and Change Management  
 Active promotion of SMS  
 Performance measurement and establishing acceptable levels of safety  
 Internal communication

comment

521

comment by: UK CAA

**Page No:**  
28

**Paragraph No:** AMC 2 to OR.GEN.200 (a)(4) Para 1

**Comment:** The option of e-learning or similar should also be available to large organisations.

**Justification:** The Agency should not restrict the mode of training. It should be up to the organisation to demonstrate that the mode of training chosen is effective.

**Proposed Text (if applicable):** add para c safety training when appropriate may consist of e-learning.

comment

785

comment by: European HF Advisory Group

**Page No: 28****Paragraph No: AMC 1 and AMC 2 to OR.GEN.200(a)(4) para 1 a&b**

**Comment:** Guidance material needs to be developed to detail what should be included in Safety Training. This should include Human factors as this is a key element of an SMS.

**Justification:** Without further clarity this will lead to inconsistency of the safety training whereas this is an important part of the process.

**Proposed Text (if applicable):** develop guidance material with the following text.

For operational staff the safety training should include:

SMS fundamentals and overview

Human Factors and Organisational Factors  
 Safety philosophy, safety policies and safety standards  
 Safety responsibilities and accountabilities  
 Organisation's SMS functions  
 Lines of communication for safety matters  
 Disciplinary Policy and Safety Culture  
 Safety reporting  
 Unique operational safety hazards  
 Seasonal safety hazards  
 Safety Initiatives ie FDA, LOSA etc  
 Emergency procedures

In addition to the above Operational and Senior Managers should also have safety training on:

Engaging staff in hazard reporting  
 Detailed knowledge of the Safety process including  
 Hazard identification, Safety Risk Analysis and Mitigation and Change Management  
 Active promotion of SMS  
 Performance measurement and establishing acceptable levels of safety  
 Internal communication

comment

861

comment by: NATS

1a. In order to be deemed competent some form of criteria is required. Where are these criteria documented?

comment

1123 

comment by: AEA

**Relevant text:**

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation may consist of elearning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The

training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment

1213

comment by: *ECA- European Cockpit Association*

Attachment [#8](#)

Comment: delete whole paragraph and replace with:  
[see text in attachment]

Justification:

To comply with specific structure of SMS framework avoiding the confusion of components created by EASA when is mixing Safety Risk Management with Safety Assurance and Safety Promotion.

comment

1514

comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMC's and GM's to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment

1558

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation may consist of e-learning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment

1798

comment by: *DFS Deutsche Flugsicherung GmbH*

AMC2 to OR.GEN.200(a)(4)

1.a and 2.a.i. : proposed text: **Staff with safety related tasks** instead of

"all staff" .

comment 1881 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation may consist of e-learning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment 1928 comment by: *AIR FRANCE*

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment 2083 comment by: *ERA*

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

comment 2225 comment by: *Icelandair*

**Relevant text:**

1. Training.

a. All personnel should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme for a small organisation may consist of e-learning or similar training provided by training service providers.

**Comment:**

It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is

reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment 2432

comment by: *FINNAIR*

1.a) It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities. b. The safety training programme may consist of e-learning or similar training provided by training service providers.

comment 2442

comment by: *FlightSafety International*

There are differences between these AMC in verbiage regarding Training, e.g. Staff vs. Personnel etc. Please standardize to clarify.

For "Other organizations", e-learning is not accepted for safety training programmes

No differences should exist in this aspect between small and other organizations.

comment 2478

comment by: *CB*

1.a) It is proposed to add the same provision than for small organisation. The training may be provided by using an e-learning training or similar. It is reasonable to take advantage from new technology for training, this would not undermine the training quality.

**Proposal:**

1. Training.

a. All staff should receive safety training as appropriate for their safety responsibilities.

b. The safety training programme may consist of e-learning or similar training provided by training service providers.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(5) Management System**

p. 29

comment 51

comment by: *George Knight*

This AMC is attempting to impose inappropriate and disproportionate controls onto small ATOs that are mainly recreational clubs. It is attempting to extend EASA's remit into that belonging to other government agencies such as the UK's HSE.

Small ATOs should be exempt.

comment

158

comment by: DGAC FRANCE

### **AMC to OR.GEN.200(a)(5)**

#### Comment

There is no reference to applicable European regulation for incidents reporting systems **Regulation 2003/42/CE (June 2003)**.

The scope of the scheme is not clear as §2. mentions "relevant" incidents/accidents, §3. gives a definition that reads "occasions where routine procedures have failed", and §4. talks about "occurrences".

Does the scheme also cover confidential reporting systems?

The paragraph does not add any value to the already existing reporting European regulation and will add confusion.

### **CLARIFY OR DELETE AMC to OR.GEN.200(a)(5) Management System**

#### ~~OCCURRENCE REPORTING SCHEME~~

~~1. The overall objective of the scheme is to use reported information to improve the level~~

~~of flight safety and not to attribute blame.~~

~~2. The objectives of the scheme are:~~

~~a. to enable an assessment of the safety implications of each relevant incident and~~

~~accident to be made, including previous similar occurrences, so that any necessary~~

~~action can be initiated; and~~

~~b. to ensure that knowledge of relevant incidents and accidents is disseminated, so~~

~~that other persons and organisations may learn from them.~~

~~3. The scheme is an essential part of the overall monitoring function and it is complementary to the normal daytoday~~

~~procedures and 'control' systems and is not~~

~~intended to duplicate or supersede any of them. The scheme is a tool to identify those~~

~~occasions where routine procedures have failed.~~

~~4. Occurrence reports should remain in the database when judged reportable by the~~

~~person submitting the report as the significance of such reports may only become~~

~~obvious at a later date.~~

comment

161

comment by: DGAC FRANCE

### **AMC to OR.GEN.200(a)(5) Management System**

#### OCCURRENCE REPORTING SCHEME

See our comment to OR.GEN.200(a)(5)

### **CLARIFY OR DELETE**

Use wording in EU-OPS 1.037 that also mentions confidential reporting.

comment

372

comment by: Aero-Club of Switzerland

(1) is absolutely perfect, congratulations! However, we are sure that NAA do not share the attitude of the agency!

comment

522

comment by: UK CAA

**Page No:**

29

**Paragraph No:** AMC to OR.GEN.200(a)(5) Para 1

**Comment:** The AMC should allow that the objective of the scheme should in future also be to improve aerodrome or unit safety.

**Justification:** The present text is operator specific.

**Proposed Text (if applicable):** The overall objective of the scheme is to use reported information to improve the level of flight safety, **unit s safety or aerodrome safety**, and not to attribute blame.

comment

862

comment by: NATS

1., 2. and 3. There are no "should" in these parts of the AMC. Therefore what is their status? The only "should" is in 4. which relates to a database. This AMC should address the requirements for, and use of, an occurrence reporting scheme.

1. When discussing reporting schemes the general consensus is that a just culture is necessary rather than a no blame culture. Also see 2008/0127 (COD) & 2008/0128 (COD)

4. No requirement for a database is included in any other AMC so what are the requirements for a database and what is its intended use? The existing text suggests that entry and retention of occurrence reports is all that is required.

comment

1124

comment by: AEA

Relevant text:

OCCURRENCE REPORTING SCHEME

1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.

**Comment:**

Objectives of a requirement should not be described in an AMC.

comment

1129

comment by: AEA

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (5)

**Comment:**

The content of this should be guidance material

**Proposal:**

Change to GM to OR.GEN.200 (a) (5)

comment

1170

comment by: ECA- European Cockpit Association

Comment: add as follows:

**AMC to OR.GEN.200(a)(5) Safety Management System  
OCCURRENCE REPORTING SCHEME**

**Typical qualities of successful safety reporting systems include:**

**a) the reports are easy to make;**

**b) there are no disciplinary actions as a result of the reports;**

**c) the reports are confidential; and**

**d) feedback is rapid, accessible and informative.**

1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.  
[...]

Justification:

Implement the core reporting qualities established by ICAO at the SMSM.

comment 1271 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

OCCURRENCE REPORTING SCHEME

1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.

Comment:

Objectives of a requirement should not be described in an AMC.

comment 1272 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

Entire text of AMC 2 to OR.GEN.200 (a) (5)

Comment:

The content of this should be guidance material

Proposal:

Change to GM to OR.GEN.200 (a) (5)

comment 1445 comment by: *KLM*

Relevant text:

OCCURRENCE REPORTING SCHEME

1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.

**Comment:**

Objectives of a requirement should not be described in an AMC.

comment 1446 comment by: *KLM*

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (5)

**Comment:**

The content of this should be guidance material

**Proposal:**

Change to GM to OR.GEN.200 (a) (5)

comment 1453 comment by: *TAP Portugal*

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(5) Management System

**Relevant text:**

OCCURRENCE REPORTING SCHEME

1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.

**Comment:**

Objectives of a requirement should not be described in an AMC.

comment 1457

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(5) Management System

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (5)

**Comment:**

The content of this should be guidance material

**Proposal:**

Change to GM to OR.GEN.200 (a) (5)

comment 1515

comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1561

comment by: Deutsche Lufthansa AG

Relevant text:

OCCURRENCE REPORTING SCHEME

1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.

**Comment:**

Objectives of a requirement should not be described in an AMC.

comment 1562

comment by: Deutsche Lufthansa AG

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (5)

**Comment:**

The content of this should be guidance material

**Proposal:**

Change to GM to OR.GEN.200 (a) (5)

comment 1685

comment by: GE Aviation

The intent of this requirement may be better served by other means; it is too prescriptive as it stands.

The occurrence reporting scheme may not be the best means to assure "safety awareness" by other persons and organizations; a list of occurrences may convey much less than a package which has been analyzed to provide information, rather than raw data.

The intent of requirement 4 is unclear. It implies a database, and further clarification is needed on the database.

It is not clear what events are "reportable" in this context.

By stating that the events must remain in the database, the ability to analyze and resolve improper reporting is lost. The database is likely to become diluted/corrupted by reports outside the intent of the program.

All of the above points need to be understood before this requirement can be evaluated.

comment 1882 comment by: *International Air Transport Association (IATA)*

Relevant text:

OCCURRENCE REPORTING SCHEME

1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.

**Comment:**

Objectives of a requirement should not be described in an AMC.

comment 1883 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (5)

**Comment:**

The content of this should be guidance material

**Proposal:**

Change to GM to OR.GEN.200 (a) (5)

comment 1929 comment by: *AIR FRANCE*

Relevant text:

OCCURRENCE REPORTING SCHEME

1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.

**Comment:**

Objectives of a requirement should not be described in an AMC.

comment 1930 comment by: *AIR FRANCE*

**Relevant text:**

Entire text of AMC 2 to OR.GEN.200 (a) (5)

**Comment:**

The content of this should be guidance material

**Proposal:**

Change to GM to OR.GEN.200 (a) (5)

comment 1933 comment by: *British Airways Safety & Security*

This is GM not AMC.

comment 1947 comment by: *IACA International Air Carrier Association*

1.  
Add at the end "...or liability."

comment 2085 comment by: *ERA*

Objectives of a requirement should not be described in an AMC.  
The content of this should be guidance material

comment 2226 comment by: *Icelandair*

Relevant text:  
OCCURRENCE REPORTING SCHEME  
1. The overall objective of the scheme is to use reported information to improve the level of flight safety and not to attribute blame.  
**Comment:**  
Objectives of a requirement should not be described in an AMC.

comment 2227 comment by: *Icelandair*

**Relevant text:**  
Entire text of AMC 2 to OR.GEN.200 (a) (5)  
**Comment:**  
The content of this should be guidance material  
**Proposal:**  
Change to GM to OR.GEN.200 (a) (5)

comment 2379  comment by: *Klaus HARTMANN*

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland.  
Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)
2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.
3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren

und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 - 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus. Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren. Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.  
 Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.  
 Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.  
 Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freiballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freiballonführer BPL/LPL(B)' geben.**

Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini – ATO allgemeiner Art möglich.

Für Mini – ATO's BP L/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manuals' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini –ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini – ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini – ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch senior examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.

Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfahrten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini – ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.

Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglich sein.

comment 2434 comment by: FINNAIR

This AMC should be GM.

comment 2479 comment by: CB

AMC 2 to OR.GEN.200 (a) (5)  
Objectives of a requirement should not be described in the AMC.  
The content of this should be guidance material

comment 2490 comment by: CB

AMC 2 to OR.GEN.200 (a) (5)  
The content of this should be guidance material

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(6) Management System**

p. 29

comment 52 comment by: George Knight

This AMC is attempting to impose inappropriate and disproportionate controls onto small ATOs that are mainly recreational clubs and whose volunteer organisation's organisation consists of a club committee.

Small recreational ATOs should be exempt.

comment 691 comment by: *Royal Danish Aeroclub*

AMC TO OR.GEN.200(a)(6) Management system, paragraph 2.

Today updating information is easier though internet. The paragraph 2 should read:

The organisation manual and its amendments should be made available to the competent authority. **The organisational manual and its amendments can be online information.**

comment 746 comment by: *CAA-NL*

Comment

The organisation manual may need to include procedures specifying how the organisation ensures compliance with other applicable parts.

Text proposal

(i) a statement signed by the accountable manager to confirm that the organisation will continuously work in accordance with this Part and other applicable parts and the organisation manual at all times;

(vi) procedures specifying how the organisation ensures compliance with this Part and other applicable parts ;

comment 863 comment by: *NATS*

In the context of the Management System why wouldn't this information be included in the Safety Management Manual?

comment 1132 comment by: *AEA*

**Relevant text:**

Organisation Manual - Content

**Comment:**

The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity (CAT, MRO, ATO ...) but not one above them all

comment 1133 comment by: *AEA*

**Relevant Text:**

Organisation Manual-Content

**Comment:**

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6)) so we don't see a need to have an integrated manual with these requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment 1134 comment by: *AEA*

**Relevant text:**

Organisation manual-Content

2. The organisation manual and its amendments should be made available to the competent authority.

**Comment:**

does that mean that only availability is required and not submission for approval?  
Please clarify

comment 1273 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

Organisation Manual - Content

Comment:

The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity (CAT, MRO, ATO ...) but not one above them all

comment 1274 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant Text:

Organisation Manual-Content

Comment:

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6)) so we don't see a need to have an integrated manual with these requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment 1275 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

Organisation manual-Content

2. The organisation manual and its amendments should be made available to the competent authority.

Comment:

does that mean that only availability is required and not submission for approval?  
Please clarify

comment 1447 comment by: *KLM*

**Relevant text:**

Organisation Manual - Content

**Comment:**

The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity (CAT, MRO, ATO ...) but not one above them all

comment 1448 comment by: *KLM*

**Relevant Text:**

Organisation Manual-Content

**Comment:**

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6)) so we don't see a need to have an integrated manual with

these requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment

1450

comment by: KLM

**Relevant text:**

Organisation manual-Content

2. The organisation manual and its amendments should be made available to the competent authority.

**Comment:**

does that mean that only availability is required and not submission for approval?

Please clarify

comment

1459

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(6) Management System

**Relevant text:**

Organisation Manual - Content

**Comment:**

The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity (CAT, MRO, ATO ...) but not one above them all

comment

1463

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(6) Management System

**Relevant Text:**

Organisation Manual-Content

**Comment:**

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6)) so we don't see a need to have an integrated manual with these requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment

1466

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(a)(6) Management System

**Relevant text:**

Organisation manual-Content

2. The organisation manual and its amendments should be made available to the competent authority.

**Comment:**

does that mean that only availability is required and not submission for

approval?  
Please clarify

comment 1516 comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1563 comment by: *Deutsche Lufthansa AG*

**Relevant text:**

Organisation Manual - Content

**Comment:**

The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity (CAT, MRO, ATO ...) but not one above them all

comment 1565 comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

Organisation Manual-Content

**Comment:**

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6)) so we don't see a need to have an integrated manual with these requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment 1566 comment by: *Deutsche Lufthansa AG*

**Relevant text:**

Organisation manual-Content

2. The organisation manual and its amendments should be made available to the competent authority.

**Comment:**

Does that mean that only availability is required and not submission for approval?  
Please clarify

comment 1780 comment by: *ACI EUROPE*

differences between safety management manual, organisational manual and aerodrome manual (as per ICAO) needs to be clarified for aerodromes à justification for the organisation manual is not clear

comment 1787 comment by: *ACI EUROPE*

An organisational manual containing all management system processes should not be required under a safety regulation. For instance should various financial and accounting processes as well as numerous administrative processes not be required to document to the aviation authorities under this regulation? Only

safety relevant management processes should be included. This should be explicitly stated.

comment 1885 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

Organisation Manual - Content

**Comment:**

The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity (CAT, MRO, ATO ...) but not one above them all

comment 1886 comment by: *International Air Transport Association (IATA)*

**Relevant Text:**

Organisation Manual-Content

**Comment:**

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6)) so we don't see a need to have an integrated manual with these requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment 1887 comment by: *International Air Transport Association (IATA)*

**Relevant text:**

Organisation manual-Content

2. The organisation manual and its amendments should be made available to the competent authority.

**Comment:**

does that mean that only availability is required and not submission for approval?

Please clarify

comment 1935 comment by: *AIR FRANCE*

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6)) so we don't see a need to have an integrated manual with these requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment 1988 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

differences between safety management manual, organisational manual and aerodrome manual (as per ICAO) needs to be clarified for aerodromes à justification for the organisation manual is not clear

comment 1989 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*

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comment 2228 comment by: *Icelandair*

**Relevant text:**  
Organisation Manual - Content

**Comment:**  
The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity (CAT, MRO, ATO ...) but not one above them all

comment 2229 comment by: *Icelandair*

**Relevant Text:**  
Organisation Manual-Content

**Comment:**  
The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6)) so we don't see a need to have an integrated manual with these requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment 2230 comment by: *Icelandair*

**Relevant text:**  
Organisation manual-Content  
2. The organisation manual and its amendments should be made available to the competent authority.

**Comment:**  
does that mean that only availability is required and not submission for approval?  
Please clarify

comment 2379  comment by: *Klaus HARTMANN*

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In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland.  
Dabei sind folgende Besonderheiten zu berücksichtigen:

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betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 - 2,5 h . Die Heimreise endet dann nach Mitternacht.

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Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus. Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren. Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.  
 Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.  
 Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.  
 Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freiballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freiballonführer BPL/LPL(B)'**

geben.

Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini – ATO allgemeiner Art möglich.

Für Mini – ATO's BP L/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manualls' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini –ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini – ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini – ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch senior examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.

Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfahrten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini – ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.

Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglich sein.

comment 2480

comment by: CB

The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity but not one above them all (???)

comment 2481

comment by: CB

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6) so we don't see a need to have a integrated manual with this requirements as a stand alone, if they are provided in some other manuals (as stated in GM to OR.GEN.200 (a)(6))

comment 2482

comment by: CB

Requirement 2: does that mean that only availability is required and not submission for approval?

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - GM to OR.GEN.200(a)(6) Management System**

p. 29

comment 53

comment by: George Knight

Small recreational ATOs should be exempt.

comment 162

comment by: DGAC FRANCE

**GM to OR.GEN.200**

There is no guidance material for OR.GEN.200. Such guidance is needed especially to appreciate OR.GEN.200 (b) in order to ensure uniform implementation throughout Europe.

Existing guidance does not contain operational examples.

comment 408

comment by: Civil Aviation Authority of Norway

If the organisation manual is the top document in the organisation, that must also be reflected by the content of the manual. As it is described, it seems to be a very small document addressing a limited scope of the management system.

comment 1320

comment by: Ryanair

**GM to OR.GEN.200 (1)(6) – Management System Organisational Manual**

**Comment**

Not required

**Proposal**

DELETE

comment 1517

comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 2333

comment by: Europe Air Sports PM

The proposals are disproportionate. As no formal definition of a "small" organisation exists, all related items should be reviewed.

comment 2379

comment by: Klaus HARTMANN

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland.

Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)
2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.
3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 – 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus. Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-

checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freiflightführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freiflightführer BPL/LPL(B)' geben.**

**Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.**

**Für Mini - ATO's BPL/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manuals' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini - ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini - ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini - ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch Senior Examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.**

**Im Freiflightbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Freiflightgruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportflarten / Flarten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini - ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.**

**Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglich sein.**

comment

2437

comment by: FINNAIR

The organisation manual should not be required for the overall organisation activities. You might have an accountable manager for each activity but not one above them all (???)

comment

2438

comment by: FINNAIR

The information might be contained in other manuals (refer to the IR OR.GEN.200 (a) (6) so we don't see a need to have a integrated manual with this requirements as a stand alone, if they are provided in some other manuals

(as stated in GM to OR.GEN.200 (a)(6))

Proposal;

The information may be contained in other manuals, e.g. aerodrome manual, operations manual or training organisation manual.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 1 to OR.GEN.200(a)(7) Management System**

p. 29-31

- comment 54 comment by: *George Knight*
- This AMC is attempting to impose inappropriate and disproportionate controls onto small ATOs that are mainly recreational clubs.
- Small recreational ATOs should be exempt.
- comment 267 comment by: *ECA- European Cockpit Association*
- Delete and replace words:
3. Tasks.
- b. The **accountable** manager should **designate a manager whose role is to monitor compliance with Part OR and other applicable Parts, and any additional requirements as established by the organisation, and the adequacy of procedures required to ensure safe operational practices and airworthy aeroplanes are being carried out properly under the supervision of the relevant nominated post holder.** ~~be responsible for ensuring that the Compliance Monitoring Programme is properly implemented, maintained and continuously reviewed and improved.~~
- Justification  
This paragraph defers the responsibility from the Accountable Manager to someone within the Organisation who cannot issue any directive due to the hierarchy; the Safety Manager cannot take responsibility for compliance, he can only monitor compliance and report to the Acc Manager.
- comment 406 comment by: *Civil Aviation Authority of Norway*
- Comment to (6):  
The training and communication requirements in a Management System should not be limited to safety training and communication. Also, quality system training/communication and other applicable management system training and communication requirements must be included.
- comment 407 comment by: *Civil Aviation Authority of Norway*
- Comment to (5);  
The content of the organisation manual does not correspond with the content of the safety management manual required by AMC 2 OR.GEN.200(a)(3)
- comment 409 comment by: *Civil Aviation Authority of Norway*

A compliance monitoring system is not a term that is widely known or accepted by the industry. The previous quality system required by EU-OPS /JAR-OPS was primarily addressing safe operations and airworthy aircraft, and was not focused on customer satisfaction or commercial goals.

The safety focus is now controlled by the safety management system and the safety manager, and to introduce an additional compliance monitoring system based on previous regulations, rather than to enable the implementation of a well-known and widely accepted quality management system, may result in a degraded outcome and poor commitment to the management system as a whole.

comment 410

comment by: *Civil Aviation Authority of Norway*

Comment to (3);

The designation of a manager whose role is to monitor compliance with the applicable Parts, is the typically role of a quality manager. This role is required to have direct access to the AM, and should not be a nominated post holder.

By requiring this role in an organisation, it may lead to the conclusion that safety performance is independent from compliance with regulations, which should not be the case.

Furthermore, why not require the same independency and responsibility on the role of the safety manager, as on the "compliance monitoring" manager?

comment 442

comment by: *FlightSafety International*

#### **Comment**

This section states "the Accountable Manager should designate a manager..."

#### **Proposal**

Change the wording to read "the Accountable Manager should designate a Management Representative..."

#### **Impact to FlightSafety**

The intent is to designate a Management Representative, as the term is used throughout management systems, whether they be safety management, quality management, compliance monitorinr, etc.

comment 443

comment by: *FlightSafety International*

#### **Comment**

Section ii states that the relevant documentation should include "Terminolgy, Corporate core values and governance criteria;"

#### **Proposal**

Delet the words "Corporate core values and governance criteria"

#### **Impact to FlightSafety**

An organizations "corporate core values and governance criteria" are far out of the scope of rules designed to regulate the safe, effective training of pilots. Corporate core values are not something that can be regulated, they are a part of the organizations culture. Governance criteria are controlled by the training organizations and the rules and regulations of the country(s) in which they operate. Inclusion of the requirements to define the corporate core values and governance criteria within this Rule opens the subject for interpretation by personnel who are neither experts in the field nor party to what in many cases

is proprietary information and what might legally be construed as protected personal information.

comment

525

comment by: UK CAA

**Page No:**

30

**Paragraph No:** AMC 1 to OR.GEN.200(a)(7) Para 3a

**Comment:** Designation of a manager to verify by monitoring that standards are being carried out properly may be only one way to achieve the objective. The AMC should be more objective-based.

**Proposed Text (if applicable):** "...the Accountable manager should establish a monitoring process to ensure that the standards...."

comment

526

comment by: UK CAA

**Page No:**

30

**Paragraph No:** AMC 1 to OR.GEN.200(a)(7) Para 4

**Comment:** Typographical error

**Proposed Text (if applicable):** "A Compliance Monitoring System should assess the following":...

comment

683

comment by: Aero-Club of Switzerland

The management system should be minimized for non-commercial and club-based ATO.

Proposal: Please make a statement about possible reductions for non-commercial and club-based ATO in order to get more adapted to the needs of small ATO.

Justification: A management system for a commercial ATO and a small club-based ATO, managed by volunteers and with an output of not more than a handful gliderpilots a year, should not demand the same requirements. The paperwork should not be the most important issue of an ATO.

comment

692

comment by: Royal Danish Aeroclub

**5. b. viiii. "The training syllabus; and"** should be deleted.

There is no need to rewrite the syllabus from the FCL-regulations.

comment

776

comment by: European Business Aviation Association (EBAA)

**AMC (1) to OR. GEN.200 (a) 7.**

As an alternative to a separate Compliance Monitoring System, Operators should have the option to use their existing Quality System to provide the same functionality. This would reduce duplication of effort and reduce paperwork.

comment 864

comment by: NATS

1.a. Unless Compliance implies a level of confirmation of the correctness of the compliance then Compliance with relevant requirements of Part OR and any other particular Parts does not, of itself, imply that the organisation's activities are safe (i.e. it is possible to comply with a requirement in a way that appears to comply but is unsafe). Given that there is a purpose in undertaking Compliance Monitoring to whom is the outcome of compliance monitoring reported and in what form?

1a. Is a distinction drawn between product and process compliance? This AMC reads more as process compliance (i.e. a process has been complied with) rather than a product compliance (i.e. the outcome is fit for purpose). Whilst a process based approach is suitable for scripted activities (e.g. following a detailed checklist that in itself ensures a good outcome) if the process is objective based (e.g. an argument that a particular operation is safe) then process compliance is insufficient and an assessment of the product is required.

2. In monitoring items a. to e. what is the required outcome? What are the procedures trying to do e.g. what is the purpose of monitoring an organisational structure?

2. This seems to have a similar intent to 4. (Scope) e.g. organisational structure appears in both places. It would be less confusing to only have one instance of the scope of the compliance monitoring system.

3. This is not so much "Tasks" rather it is how, managerially, the compliance monitoring system is set up.

4.a. i. and ii. Which Policy and what processes?

comment 943

comment by: INAER

**AMC 1 to OR. GEN.200 a.(7).1.a**  
**"the implementation ..., to ensure safe and efficient activities"**

Suggested:

**"the implementation ..., to ensure safe and effective activities"**

Argument:

Legislation should only specify requirements about safety and effectiveness, but not about efficiency, which should only be a concern when specifying safety requirements.

comment 944

comment by: INAER

**AMC 1 to OR. GEN.200 a.(7).2.**  
**".. and where appropriate, monitor:**  
**a. Organization structure**

- b. Plans and objectives**
- c. Privileges of the organization**
- d. Manuals, logs and records**
- e. Training standards**

Suggested

**".. and where appropriate, monitor:**

- a. Manuals,**
- b. Procedures and SOPs**
- c. Compliance with legal and statutory requirements**
- d. Training standards**

Argument:

The organization structure, privileges and the need for establishing objectives and plans is already in the manuals and procedures. Therefore, it is an unnecessary duplication to specify that the requirements contained in both documents should be audited and monitored, and only promotes confusion about the requirements.

The logs and records are not monitored themselves, but they are periodically audited, as stated in the Compliance Monitoring System.

comment 945

comment by: *INAER*

**AMC 1 to OR. GEN.200 a.(7).4.**

**"A compliance monitoring system should address the following:**

- i. Policy**
- ii. Processes**
- iii. Compliance monitoring programme**

Suggested

**"A compliance monitoring system should address the following:**

- i. Scope of the CMS**
- ii. Procedures that contain the relevant processes accountabilities**
- iii. Compliance monitoring audit and inspections programme**

Argument:

a) The policy should be included in the management system policy, which includes the safety and compliance commitments.

b) The term "process" is internationally defined in EN ISO 9000:2000 (3.4.1), and is clearly something different from a procedure, which is defined in EN ISO 9000:2000 (3.4.5).

A compliance monitoring system should promote a process approach, as done by EN ISO 9001, but in case the documented process should be required, it should be part of the documented procedure.

c) The programme should specify that it refers to the audit and inspections programme.

comment 946

comment by: *INAER*

**AMC 1 to OR. GEN.200 a.(7).4.**

**"The compliance monitoring system should include a feedback system to ensure that corrective actions are both identified and promptly addressed".**

Suggested:

**"The compliance monitoring system should include a feedback system**

**to ensure that non-compliances are promptly treated, and where applicable, corrective actions are both identified and promptly addressed”.**

Argument:

The term “corrective action” is internationally defined in EN ISO 9000:2000 (3.6.5), and is something different from a remedial action, correction or non-compliance treatment, which is defined in EN ISO 9000:2000 (3.4.6).

EASA AMC should take into account these important differences in concepts to deal with non-compliances.

comment

947

comment by: *INAER*

**AMC 1 to OR. GEN.200 a.(7).5.b**

Suggestion: Eliminate “the compliance policy”

Argument:

The policy should be included in the management system policy, which includes the safety and compliance commitments.

comment

948

comment by: *INAER*

**AMC 1 to OR. GEN.200 a.(7).6.b**

**Change “compliance management” for “Compliance assurance”.**

Argument:

The term “management” is internationally defined in EN ISO 9000:2000 (3.2.6), and is something different from “assurance” defined in EN ISO 9000:2000 (3.2.11, for quality aspects).

comment

949

comment by: *INAER*

**AMC 1 to OR. GEN.200 a.(7).6.b**

**“... receive training covering:**

- 1. An introduction to the concept of Compliance Monitoring**
- 2. Compliance management**
- 3. Concept of compliance monitoring**
- 4. Manuals**
- 5. Audit techniques**
- 6. Reporting and recording**
- 7. The way in which the CMS will function in the organization”**

**Suggested:**

**“... receive training covering:**

- 1. Requirements of a Compliance Monitoring System**
- 2. Manuals and procedures in the CMS**
- 3. Audit techniques**
- 4. Reporting and recording”**

Argument: **It is redundant.**

- comment 977 comment by: *Luftfahrt-Bundesamt*
- Point 3 (Tasks): From our point of view (flight operations) these tasks are typically performed by the Quality Manager. If this will be possible in the future we can accept this paragraph. If - based on this requirement - an additional function has to be installed with the operator; we cannot see any benefit of this new "manager".
- comment 1089 comment by: *EUROPEAN GLIDING UNION*
- The proposals are disproportionate. As no formal definition of a "small" organisation exists, all related items should be reviewed.
- comment 1102 comment by: *AEA*
- Relevant text:**  
 1.Compliance Monitoring Systems  
 (a) ..... and any other standards as established by that organisation,to ensure safe and efficient activities
- Comment:**  
 It is proposed to delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.  
 Also this is what "Quality Management" included, but what "Compliance Monitoring" (in our understanding) does not include. The wording "any" other standards is anyway not acceptable
- Proposal:**  
 1. Compliance Monitoring System.  
 a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Part ~~and any other standards as established by that organisation,to ensure safe and efficient activities~~
- comment 1183 comment by: *Danish Balloon Organisation*
- AMC 1 to OR.GEN.200(a)(7)**
- We suggest that a new AMC be introduced as follows:
- AMC 1a to OR.GEN.200(a)(7) Management System**  
 COMPLIANCE MONITORING SYSTEM GENERAL  
**ORGANISATIONS RUN BY NATIONAL AERoclub AS SOCIATIONS F OR MEMBERS ONLY**
1. Compliance Monitoring System.  
 a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Parts, and any other standards as established by that organisation, to ensure safe and efficient activities.  
 b. The organisation should specify the basic structure of the Compliance Monitoring System applicable to the activities conducted.  
 c. The Compliance Monitoring System should be structured according to the size of the organisation and the complexity of the activities to be monitored.

d. The Compliance Monitoring may be performed as regular organisational reviews.

Justification: Items mentioned under 2, 3, 4, 5 and 6 in AMC 1 to OR.GEN.200(a)(7) should not be required for national aeroclub associations.

comment 1276 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

1.Compliance Monitoring Systems

(a) ..... and any other standards as established by that organisation,to ensure safe and efficient activities

Comment:

It is proposed to delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.

Also this is what "Quality Management" included, but what "Compliance Monitoring" (in our understanding) does not include. The wording "any" other standards is anyway not acceptable

Proposal:

1. Compliance Monitoring System.

a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Part and ~~(delete:)any other standards as established by that organisation,to ensure safe and efficient activities~~

comment 1321 comment by: *Ryanair*

**AMC 1 to OR.GEN.200 (a)(7)**

Compliance Monitoring System – General

2. C Further definition of "privileges" required

5.B.ii Remove reference to "corporate core values and governance criteria as it has no basis in safety

5.B.iii Specified *operational* standards

6.c Individuals involved in the management of the Compliance Monitoring System should have received appropriate training. Other employees should be briefed as applicable

comment 1451 comment by: *KLM*

**Relevant text:**

1.Compliance Monitoring Systems

(a) ..... and any other standards as established by that organisation,to ensure safe and efficient activities

**Comment:**

It is proposed to delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.

Also this is what "Quality Management" included, but what "Compliance

Monitoring" (in our understanding) does not include. The wording "any" other standards is anyway not acceptable

**Proposal:**

1. Compliance Monitoring System.

a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Part ~~and any other standards as established by that organisation, to ensure safe and efficient activities~~

comment 1469

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 1 to OR.GEN.200(a)(7) Management System

**Relevant text:**

1. Compliance Monitoring Systems

(a) ..... and any other standards as established by that organisation, to ensure safe and efficient activities

**Comment:**

It is proposed to delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.

Also this is what "Quality Management" included, but what "Compliance Monitoring" (in our understanding) does not include. The wording "any" other standards is anyway not acceptable

**Proposal:**

1. Compliance Monitoring System.

a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Part ~~and any other standards as established by that organisation, to ensure safe and efficient activities~~

comment 1518

comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1568

comment by: Deutsche Lufthansa AG

**Relevant text:**

1. Compliance Monitoring Systems

(a) ..... and any other standards as established by that organisation, to ensure safe and efficient activities

**Comment:**

It is proposed to delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.

Also this is what "Quality Management" included, but what "Compliance Monitoring" (in our understanding) does not include. The wording "any" other

standards is anyway not acceptable, only *safety* standards are within the scope of the rule.

**Proposal:**

1. Compliance Monitoring System.

a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of Part OR and other applicable Parts ~~and any other standards as established by that organisation, to ensure safe and efficient activities~~

comment

1618

comment by: *Graham HALLETT*

AMC1 to OR.GEN.200(a)(7):3.c

Propose changing 3cii. To read: Not be one of the nominated post holders **(except in the case of small organisations)**; and.....

Reason:

Whilst it is obviously desirable that a small organisation does not need a dedicated manager for compliance monitoring (as proposed in sub para d), there should not be any prohibition on the task being done by one of the nominated post-holders. A small organisation, by definition, will have few resources to call upon when allocating tasks; it is therefore impractical and unnecessary to prohibit suitably qualified and able members of that organisation from carrying out duties just because they also have certain other duties. No doubt the counter argument offered by EASA will concern the lack of independence – however that would equally apply (perhaps more so) to the role of Accountable Manager. The National Authority will have oversight of the Organisation manual and the roles and structure of the organisation, so they can decide whether the allocation of roles and duties is acceptable. There is no need to make this proscription within the 'standard' AMC.

Or, paragraph d could be amended to allow other nominated post holders, as an alternative to the Accountable manager

EG: .....may be exercised by the Accountable Manager or other senior officer of the organisation (including nominated post-holders).

comment

1663

comment by: *CAA CZ*

AMC 1 to OR.GEN.200 (a)(7) 6. b., page 31

b. Those responsible for managing the Compliance Monitoring System should receive training covering:

It should be specified, who will provide this training. If Accountable Manager or senior management ATO or competent authority or...?

comment

1782

comment by: *ACI EUROPE*

-

2. scope of compliance monitoring function by far exceeds capabilities of smaller aerodromes and duplicates some of the requirements described under "Training and communication on Safety"

Relationship/link to existing quality management systems is unclear

comment

1890

comment by: *International Air Transport Association (IATA)*

**Relevant text:**

1.Compliance Monitoring Systems

(a) ..... and any other standards as established by that organisation, to ensure safe and efficient activities

**Comment:**

It is proposed to delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.

Also this is what "Quality Management" included, but what "Compliance Monitoring" (in our understanding) does not include. The wording "any" other standards is anyway not acceptable

**Proposal:**

1. Compliance Monitoring System.

a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Part ~~and any other standards as established by that organisation, to ensure safe and efficient activities~~

comment 1934 comment by: *British Airways Safety & Security*  
This looks more like GM than AMC.

comment 1949 comment by: *IACA International Air Carrier Association*  
Far too prescriptive and open for interpretation, e.g. paragraph 5 and 6.c.  
To be deleted or downgraded to GM.  
Better even to refer to ICAO SSM, see comments to AMC 2 to OR.GEN.200(a)(3).

comment 1990 comment by: *Arbeitsgemeinschaft Deutscher Verkehrsflughäfen e.V.*  
- 2. scope of compliance monitoring function by far exceeds capabilities of smaller aerodromes and duplicates some of the requirements described under "Training and communication on Safety"  
- Relationship/link to existing quality management systems is unclear

comment 2019 comment by: *Lufthansa CityLine GmbH*  
**The position**  
**(AMC 1 to O R.GEN.200(a)(7) M anagement S ystem COMPLIANCE MONITORING SYSTEM GENERAL**  
**3 Tasks**  
**ii)**  
**seems to be in a disagreement according:**  
**NPA 2009-02c**  
**OR.OPS.210.AOC Personnel requirements**  
**(a)**  
**(4)**  
**A clarification in understanding is essential.**  
See also:  
**NPA 2009-02c**  
**GM2 OR.OPS.210.AOC(a)**  
**NOMINATED POST HOLDERS COMPETENCE**

comment

2027

comment by: AIRBUS

The paragraph 3cii indicates that the Manager should not be one of the nominated post holders. This is in contradiction with the proposed paragraph OR.OPS.210.AOC (a)(4) introduced by the NPA 2009-02c:

"(a) The operator shall, in accordance with OR.GEN.210(b) nominate post holders responsible for the management and supervision of the following areas:

- (1) flight operations;
- (2) crew training;
- (3) ground operations; and
- (4) compliance monitoring."

The paragraph should be modified into:

"The manager (of CMS) should:

[...]

ii. not hold another nominated post.(\*)

[...]

(\* Only the posts of the Accountable Manager and the Compliance Monitoring Manager could be combined. In this case, compliance monitoring audits should be conducted by independent personnel. (refer to AMC1 OR.OPS.210.AOC (a)(6))"

comment

2231

comment by: Icelandair

**Relevant text:**

1.Compliance Monitoring Systems

(a) ..... and any other standards as established by that organisation, to ensure safe and efficient activities

**Comment:**

It is proposed to delete the sentence "to ensure safe and efficient activities."

As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.

Also this is what "Quality Management" included, but what "Compliance Monitoring" (in our understanding) does not include. The wording "any" other standards is anyway not acceptable

**Proposal:**

1. Compliance Monitoring System.

a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Part

comment

2243

comment by: Virgin Atlantic Airways

Relevant text:

1.Compliance Monitoring Systems

(a) ..... and any other standards as established by that organisation, to ensure safe and efficient activities

Comment:

Delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of safety regulation.

Proposal:

1. Compliance Monitoring System.

a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Part and any other standards as established by that organisation, to ensure safe and efficient activities

comment 2274

comment by: *Oxford Aviation Academy*

There is avoidable duplication with respect to the proposed regulations and AMC concerning the compliance monitoring system an Organisation is required to establish. The compliance monitoring system guidance proposed in AMC 1/2 to OR.GEN.200(a)(7) is intended to be generic and appears to be based on JAR-FCL and therefore only addresses training elements. For training organisations operating FSTDs there is additional compliance monitoring system guidance proposed in GM 1 to OR.ATO.300 that goes far more into depth and methodology than that stated in AMC 1 to OR.GEN.200(a)(7), and is obviously based on the JAR-FSTD quality system requirements. A compliance (quality) monitoring system is GENERIC and will address all aspects of an organisation's operations, whether providing basic training, type training, maintenance training, operating FSTDs, or even maintaining own aircraft. The system will be tailored depending on what activities are relevant, and this is actually stated in AMC 1 to OR.GEN.200(a)(7), 4.(a)(iii). We believe that it is not necessary to propose two sets of CMS AMC/guidance because it may lead to the conclusion that organisations providing training activities and operating FSTDs will need to maintain two independent compliance monitoring systems. As far as we understand, if a company is an FSTD operator only (no training conducted) they will still require an ATO approval. Therefore the proposals for a compliance monitoring system need only be stated once. The proposals in this area would appear immature and need more work so that GM 1 to OR.ATO.300 is deleted but with relevant texts incorporated into AMC 1/2 to OR.GEN.200(a)(7), or a new GM 1 to OR.GEN.200(a)(7) developed.

There is no GM for OR.GEN.200(a)(7) Management System in the same way as there is for OR.ATO.300 General, enforcing the above comments.

comment 2314

comment by: *Danish Powerflying Union*

We suggest EASA to delete following:  
**5.b. Viii "The training syllabus; and"**

We see no need to rewrite the syllabus from the FCL-regulation.

comment 2356

comment by: *Nordic Airways*

The manager referred to in point 3.a. should be named e.g. "Quality Assurance Manager" in the regulation. It is not appropriate not to name managers since references to the manager in this or other Parts will be ambiguous.

As an example, the unnamed "Quality Assurance Manager" is named "Compliance Monitoring Manager" in AMC 1 OR.OPS.210.AOC(a) point 6.

comment 2357

comment by: *Swiss Power Flight Union*

The management system should be minimized for non-commercial and club-based ATO's.  
Reduce for non-commercial and club-based ATO's the requirements 1 to 6. Reduced requirements, more adapted to the needs of small ATO's, should be used.

comment 2360 comment by: *Nordic Airways*

According to point 3.c.ii. the Quality Assurance Manager should **not** be one of the nominated post holders. However according to the proposal in OR.OPS.210.AOC (a)(4) this manager **should** be a nominated post holder.

comment 2408 comment by: *FINNAIR*

It is proposed to delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.

comment 2448 comment by: *Nordic Airways*

The list under point 2 should include "Management system".

comment 2459 comment by: *Iberworld Airlines*

OR.GEN.200 (a) (7) include the responsibility for the "adequacy of the procedures" that, according to my experience of more than 10 years of Quality Director, is much more difficult to comply and much more important than "monitor the compliance of the relevant requirements". Significant findings has been found due to non adequate procedures, that could not be detected by the internal "quality systems" due a significant lack of technical competence of personnel responsible for these systems. Is requested to delete the responsibility over the "adequacy of procedures" or to define the technical competence required to persons in charge of the function defined in OR.GEN.200 (a) (7), that needs to be similar to the competence of the postholder responsible of the corresponding procedures.

comment 2462 comment by: *CB*

It is proposed to delete the sentence "to ensure safe and efficient activities." As efficiency is not the purpose of the safety regulation even if the regulation should take that into consideration when drafting the rules.

1. Compliance Monitoring System.

a. The implementation and employment of a Compliance Monitoring System should enable the organisation to monitor compliance with relevant requirements of PartOR and other applicable Parts, and any other standards as established by that organisation, ~~to ensure safe and efficient activities.~~

comment 2483 comment by: *CB*

1.a. ....to ensure safety and efficient activities

Efficiency should not be a requirement in this context. Proposal: delete efficient

**OR.GEN.200(a)(7) Management System - ATO**

comment 56 comment by: *George Knight*

This AMC is attempting to impose inappropriate and disproportionate controls onto small ATOs that are mainly recreational clubs.

Small recreational ATOs should be exempt.

comment 747 comment by: *CAA-NL*

Comment  
It is suggested to transfer specific AMC for management system with respect to ATO to subpart ATO.

Text proposal  
None

comment 1137 comment by: *AEA*

**Relevant text:**  
Management System- ATO  
2. ATOs should monitor compliance with the training and operations manuals they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- a. Training procedures;
- b. Flight Safety;
- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- d. Aircraft Maintenance/Operations interface.

**Comment:**  
add a qualifier to explain that the scope is flight training

**Proposal:**  
c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling  
**concerning flight training;**  
d. Aircraft Maintenance/Operations interface **concerning flight training**

comment 1164 comment by: *Dassault Aviation*

We suggest to add after 1 b):  
- Change Management and Change Notification processes  
- Standardization process  
(1c) becomes (1d)

**Explanation**  
An initial course being approved, it is paramount that:

- An efficient standardization control process be in place to ensure that a same course is being taught in the same manner by the different instructors in the different centers,
- An efficient Change Management Process be in place to maintain the course up-to-date in flow with aircraft, documentation or regulatory

- relevant evolutions,
- An approved Change Notification Process be in place with agreed criteria defining
    - When the authority must be informed of changes
    - When a new approval of the course from the authority should be expected

comment 1184 comment by: *Royal Danish Aeroclub*

"Small organisations" should be changed to "Small organisations and organisations run by aeroclubs for members only".

Reason:

Items mentioned under 2 in AMC 2 to OR.GEN.200(a)(7) should not be required for aeroclubs and their organisations.

comment 1185 comment by: *Danish Balloon Organisation*

**AMC2 OR.GEN.200(a)(7)**

We suggest that a new AMC be introduced as follows:

**AMC2 a OR.GEN.200(a)(7) Management System ATO**

COMPLIANCE MONITORING PROGRAMME – APPROVED TRAINING ORGANISATION ORGANISATIONS RUN BY NATIONAL AEROCLUB ASSOCIATIONS FOR MEMBERS ONLY

1. Typical subject areas for compliance monitoring inspections for ATOs should be:

- a. Facilities;
- b. Actual flight and ground training;
- c. Technical Standards.

Justification: Items mentioned under 2 in AMC 2 to OR.GEN.200(a)(7) should not be required for national aeroclub associations.

comment 1277 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

Management System- ATO

2. ATOs should monitor compliance with the training and operations manuals they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- a. Training procedures;
- b. Flight Safety;
- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- d. Aircraft Maintenance/Operations interface.

Comment:

add a qualifier to explain that the scope is flight training

Proposal:

- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling

***concerning flight training;***

d. Aircraft Maintenance/Operations interface  
*concerning flight training*

comment 1454

comment by: KLM

**Relevant text:**

Management System- ATO

2. ATOs should monitor compliance with the training and operations manuals they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- a. Training procedures;
- b. Flight Safety;
- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- d. Aircraft Maintenance/Operations interface.

**Comment:**

add a qualifier to explain that the scope is flight training

**Proposal:**

c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling

***concerning flight training;***

d. Aircraft Maintenance/Operations interface ***concerning flight training***

comment 1474

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2  
OR.GEN.200(a)(7) Management System - ATO

**Relevant text:**

Management System- ATO

2. ATOs should monitor compliance with the training and operations manuals they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- a. Training procedures;
- b. Flight Safety;
- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- d. Aircraft Maintenance/Operations interface.

**Comment:**

add a qualifier to explain that the scope is flight training

**Proposal:**

c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling

***concerning flight training;***

d. Aircraft Maintenance/Operations interface ***concerning flight training***

comment 1519

comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1571 comment by: Deutsche Lufthansa AG

**Relevant text:**

Management System- ATO

2. ATOs should monitor compliance with the training and operations manuals they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- a. Training procedures;
- b. Flight Safety;
- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- d. Aircraft Maintenance/Operations interface.

**Comment:**

add a qualifier to explain that the scope is flight training

**Proposal:**

- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling **concerning flight training;**
- d. Aircraft Maintenance/Operations interface **concerning flight training**

comment 1695 comment by: Fédération Française Aéronautique

FFA requests that this rule should only concern "other ATOs" (namely ATOs providing training for CPL, ATPL ...).

Justification : Over-prescriptive and not adapted to "Very Small organisations" (see our proposed definition in the FFA comment on NPA page 1 above, namely, ATOs providing training for basic LPL, LPL, PPL, BPL and SPL) and "Small organisations".

comment 1891 comment by: International Air Transport Association (IATA)

**Relevant text:**

Management System- ATO

2. ATOs should monitor compliance with the training and operations manuals they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- a. Training procedures;
- b. Flight Safety;
- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- d. Aircraft Maintenance/Operations interface.

**Comment:**

add a qualifier to explain that the scope is flight training

**Proposal:**

- c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling **concerning flight training;**
- d. Aircraft Maintenance/Operations interface **concerning flight training**

comment 1942 comment by: AIR FRANCE

**Relevant text:**

Management System- ATO

2. ATOs should monitor compliance with the training and operations manuals

they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- Training procedures;
- Flight Safety;
- Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- Aircraft Maintenance/Operations interface.

**Comment:**

add a qualifier to explain that the scope is flight training

**Proposal:**

c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling ***concerning flight training***;  
d. Aircraft Maintenance/Operations interface ***concerning flight training***

comment

1945

comment by: AIR FRANCE

**Relevant text:**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, **they should as a minimum, and where appropriate, additionally monitor:**

**Comment:**

typo

"they should as a minimum, and where appropriate, additionally monitor" this is not correct,

**Proposal:**

it should read "***they should at least monitor the following***"

comment

2089

comment by: ERA

Add a qualifier to explain that the scope is flight training  
Amend Sub-paragraphs c. and d. to paragraph 2 to read:  
"c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling ***concerning flight training***;  
"d. Aircraft Maintenance/Operations interface ***concerning flight training***"

comment

2232

comment by: Icelandair

**Relevant text:**

Management System- ATO

2. ATOs should monitor compliance with the training and operations manuals they have designed to ensure safe and efficient training. In doing so, they should as a minimum, and where appropriate, additionally monitor:

- Training procedures;
- Flight Safety;
- Flight and Duty Time Limitations, Rest Requirements, and Scheduling;
- Aircraft Maintenance/Operations interface.

**Comment:**

add a qualifier to explain that the scope is flight training

**Proposal:**

c. Flight and Duty Time Limitations, Rest Requirements, and Scheduling **concerning flight training**;

d. Aircraft Maintenance/Operations interface **concerning flight training**

comment

2275

comment by: *Oxford Aviation Academy*

Same comments as for AMC1 OR.GEN.200(a)(7) Management System.

comment

2379 comment by: *Klaus HARTMANN*

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland. Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)
2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.
3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 – 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf

Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus.

Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freieilballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freieilballonführer BPL/LPL(B)' geben.**

**Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.**

**Für Mini - ATO's BPL/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manuals' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini - ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini - ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini - ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch Senior Examiners in der praktischen Ausbildung. Diese Überprüfung entspricht den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.**

**Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen Orten etabliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfahrten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte**

**Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini – ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.**

**Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglichst sein.**

comment 2484

comment by: CB

Managemetn Systems -  
ATO 2.c &d

add a qualififier to explain that the scope is flight training :.....concerning flight training: "

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 3  
OR.GEN.200(a)(7) Management System - OPS**

p. 32

comment 68

comment by: British Gliding Association

This part should not apply to the operation of sailplanes or other non-complex, non-commercial aircraft regardless of organisation size.

comment 195

comment by: DGAC FRANCE

**AMC3 OR.GEN.200(a)(7) Management System OPS**

There is no requirement to monitor the compliance of the SMS to the requirement.

**Add:**

**1.a.(f) Safety Management System**

comment 444

comment by: FlightSafety International

**Comment**

This section is titled "COMPLIANCE MONITORING SYSTEM- LARGE OPERATORS" while section AMC4 OR.GEN.200(a)(7) is titled COMPLIANCE MONITORING PROGRAMME – SMALL OPERATORS

**Proposal**

Provide in each title section, the definition of Large Operator and Small Operator. These definitions are provided much later in the document.

**Impact to FlightSafety**

The definitions will assist the organization in determining the complexity of the compliance monitoring system that it must conduct.

comment 748

comment by: CAA-NL

Comment

It is suggested to transfer specific AMC for management system with respect to OPS to subpart OPS.

Text proposal  
None

comment 865 comment by: NATS

The convention elsewhere is for the "small operators" AMC to precede the "other operators". Note that "large" is used here as opposed to "other".

comment 1138 comment by: AEA

**Relevant text:**

AMC3 OR.GEN.200 (a)(7)

**Cmment:**

This AMC should be GM at highest. Proposal to delete completely, as the content is a banal listing of manual chapters respectively EU-OPS Subpart headers. As these subparts do not exist any longer, there is no sense to use them as a grid for compliance monitoring. If so, the question arises why the EU-OPS structure was not retained.

**Proposal:**

Either Delete AMC3 OR.GEN.200 (a)(7)  
or Change title to GM OR.GEN.200 (a)(7)

comment 1139 comment by: AEA

**Relevant text:**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, they should as a minimum, and where appropriate, additionally monitor:

**Comment:**

typo

"they should as a minimum, and where appropriate, additionally monitor" this is not correct,

**Proposal:**

it should read "***they should at least monitor the following***"

comment 1278 comment by: Swiss International Airlines / Bruno Pfister

Relevant text:

AMC3 OR.GEN.200 (a)(7)

Cmment:

This AMC should be GM at highest. Proposal to delete completely, as the content is a banal listing of manual chapters respectively EU-OPS Subpart headers. As these subparts do not exist any longer, there is no sense to use them as a grid for compliance monitoring. If so, the question arises why the EU-OPS structure was not retained.

Proposal:

Either Delete AMC3 OR.GEN.200 (a)(7)  
or Change title to GM OR.GEN.200 (a)(7)

comment 1279 comment by: *Swiss International Airlines / Bruno Pfister*

Relevant text:

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, they should as a minimum, and where appropriate, additionally monitor:

Comment:

typo

"they should as a minimum, and where appropriate, additionally monitor" this is not correct,

Proposal:

it should read "***they should at least monitor the following***"

comment 1323 comment by: *Ryanair*

**AMC 3 to OR.GEN.200 (a)(7) – Management System – Ops**  
COMPLIANCE MONITORING SYSTEM – LARGE OPERATORS

**Comment**

Ongoing "serviceability of both operational and safety equipment" is not a function of the compliance monitoring system. This is a management function under the functional areas of Flight Operations, Ground Operations, Crew Training, Engineering and Maintenance.

**Proposal**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations and airworthy aircraft. In doing so.....

comment 1455 comment by: *KLM*

**Relevant text:**

AMC3 OR.GEN.200 (a)(7)

**Comment:**

This AMC should be GM at highest. Proposal to delete completely, as the content is a banal listing of manual chapters respectively EU-OPS Subpart headers. As these subparts do not exist any longer, there is no sense to use them as a grid for compliance monitoring. If so, the question arises why the EU-OPS structure was not retained.

**Proposal:**

Either Delete AMC3 OR.GEN.200 (a)(7)

or Change title to GM OR.GEN.200 (a)(7)

comment 1456 comment by: *KLM*

**Relevant text:**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, **they should as a minimum, and where appropriate, additionally monitor:**

**Comment:**

typo

"they should as a minimum, and where appropriate, additionally monitor" this is not correct,

**Proposal:**

it should read "*they should at least monitor the following*"

comment

1475

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 3 OR.GEN.200(a)(7) Management System - OPS

**Relevant text:**

AMC3 OR.GEN.200 (a)(7)

**Comment:**

This AMC should be GM at highest. Proposal to delete completely, as the content is a banal listing of manual chapters respectively EU-OPS Subpart headers. As these subparts do not exist any longer, there is no sense to use them as a grid for compliance monitoring. If so, the question arises why the EU-OPS structure was not retained.

**Proposal:**

Either Delete AMC3 OR.GEN.200 (a)(7)  
or Change title to GM OR.GEN.200 (a)(7)

comment

1479

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 3 OR.GEN.200(a)(7) Management System - OPS

**Relevant text:**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, they should as a minimum, and where appropriate, additionally monitor:

**Comment:**

typo

"they should as a minimum, and where appropriate, additionally monitor" this is not correct,

**Proposal:**

it should read "*they should at least monitor the following*"

comment

1520

comment by: BMVBS (MoT Germany)

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1573 comment by: Deutsche Lufthansa AG

**Relevant text:**

AMC3 OR.GEN.200 (a)(7)

**Cmment:**

This AMC should be GM at highest. Proposal to delete completely, as the content is a banal listing of manual chapters respectively EU-OPS Subpart headers. As these subparts do not exist any longer, there is no sense to use them as a grid for compliance monitoring. If so, the question arises why the EU-OPS structure was not retained.

**Proposal:**

Either Delete AMC3 OR.GEN.200 (a)(7) (preferred)  
or Change title to **GM** OR.GEN.200 (a)(7)

comment 1574 comment by: Deutsche Lufthansa AG

**Relevant text:**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, **they should as a minimum, and where appropriate, additionally monitor:**

**Comment:**

typo

"they should as a minimum, and where appropriate, additionally monitor" this is not a correct logic,

**Proposal:**

it should read "**they should at least monitor the following**"

comment 1893 comment by: International Air Transport Association (IATA)

**Relevant text:**

AMC3 OR.GEN.200 (a)(7)

**Cmment:**

This AMC should be GM at highest. Proposal to delete completely, as the content is a banal listing of manual chapters respectively EU-OPS Subpart headers. As these subparts do not exist any longer, there is no sense to use them as a grid for compliance monitoring. If so, the question arises why the EU-OPS structure was not retained.

**Proposal:**

Either Delete AMC3 OR.GEN.200 (a)(7)  
or Change title to GM OR.GEN.200 (a)(7)

comment 1896 comment by: International Air Transport Association (IATA)

**Relevant text:**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, **they should as a minimum, and where appropriate, additionally monitor:**

**Comment:**

typo

"they should as a minimum, and where appropriate, additionally monitor" this

is not correct,

**Proposal:**

it should read "*they should at least monitor the following*"

comment

2093

comment by: ERA

This AMC should be GM at highest. The content is a banal listing of manual chapters respectively EU-OPS Subpart headers. As these subparts do not exist any longer, there is no sense to use them as a grid for compliance monitoring. If so, the question arises why the EU-OPS structure was not retained.

EASA have informed ERA that on the ongoing review of ground de-icing / anti-icing operations related to a future NPA that this is related to NPA 2009-02a,b & c. Hence the need to delay the consultation close out date for this NPA.

comment

2122

comment by: Irish Aviation Authority

This section should be transferred to Part-OPS as it deals exclusively with OPS sw 280509

comment

2233

comment by: Icelandair

**Relevant text:**

AMC3 OR.GEN.200 (a)(7)

**Comment:**

This AMC should be GM at highest. Proposal to delete completely, as the content is a banal listing of manual chapters respectively EU-OPS Subpart headers. As these subparts do not exist any longer, there is no sense to use them as a grid for compliance monitoring. If so, the question arises why the EU-OPS structure was not retained.

**Proposal:**

Either Delete AMC3 OR.GEN.200 (a)(7)  
or Change title to GM OR.GEN.200 (a)(7)

comment

2234

comment by: Icelandair

**Relevant text:**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, they should as a minimum, and where appropriate, additionally monitor:

**Comment:**

typo

"they should as a minimum, and where appropriate, additionally monitor" this is not correct,

**Proposal:**

it should read "*they should at least monitor the following*"

comment

2246

comment by: Virgin Atlantic Airways

**Relevant text:**

2. Operators should monitor compliance with the operational procedures they have designed to ensure safe operations, airworthy aircraft and the serviceability of both operational and safety equipment. In doing so, they should as a minimum, and where appropriate, additionally monitor:

Comment:  
Poor wording

"they should as a minimum, and where appropriate, additionally monitor"

Proposal:  
it should read "they should as a minimum, if applicable, additionally monitor".

comment 2447 comment by: *Nordic Airways*

The list item "Supervision" under point 2 should be changed to "Operational control and supervision" to also include the very important area of operational control.

The item "Ground Operations" should be added to the list under point 2.

comment 2485 comment by: *CB*

This AMC should be GM.

comment 2486 comment by: *CB*

typo "they should as a minimum, and where appropriate, additionally monitor"  
this is not correct, it should read "they should at least monitor the following"

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 4  
OR.GEN.200(a)(7) Management System - OPS**

p. 32

comment 69 comment by: *British Gliding Association*

If compliance monitoring is required for approved training organisations within an air sport federation recognised by an NAA, then this part identifies the maximum requirement proportional to gliding, regardless of the size of the organisation.

comment 411 comment by: *Civil Aviation Authority of Norway*

What is the reason to require management evaluation meetings by small organisations when this is not a requirement for large organisations?

comment 750 comment by: *CAA-NL*

Comment

It is suggested to transfer specific AMC for management system with respect to OPS to subpart OPS.

Text proposal

None

comment 1521 comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1619 comment by: *Graham HALLETT*

AMC4 OR.GEN.200(a)7

A further sub paragraph should be added:

c. The format and content of the following documents should be varied according to the aircraft type and nature of operations.

Reason:  
The forms are obviously designed with aeroplanes or helicopters in mind, no allowance has been made for other aircraft types. For example, balloons do not require de-icing or the services of a ground handling organisation; they do not require flight plans to be filed (for domestic UK use), etc. Whilst these forms could be used and 'Not Applicable' entered in various places, it would be better to use customised documentation, more applicable to the aircraft type – this would be considered by the National Authority as part of the approval process.

comment 2124 comment by: *Irish Aviation Authority*

This para should be transferred to Part-OPS as it deals exclusively with OPS sw 280509

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 4  
OR.GEN.200(a)(7) Management System - OPS: COMPLIANCE MONITORING  
INSPECTION CHECKLIST**

p. 33

comment 1522 comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 2458 comment by: *Iberworld Airlines*

OR.GEN.200 (a) (7) avoids the use of "quality" function but the form in Pag. 33 includes a "quality records" inspection that has no sense because the "quality function" has previously been destroyed or substitute by a "monitor compliance

function”

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 4  
OR.GEN.200(a)(7) Management System - OPS: DEVIATION REPORT**

p. 34

comment 1523 comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 2457 comment by: *Iberworld Airlines*

2. The reports in pag 34 and 35:

- don't include the level of the finding
- don't include the cause of the finding (fundamental to establish the adequate corrective action)
- include the accountable manager signature (unnecessary and unrealistic for a not SMALL ORGANIZATIONS)

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 4  
OR.GEN.200(a)(7) Management System - OPS: MANAGEMENT EVALUATION  
REPORT**

p. 35

comment 445 comment by: *FlightSafety International*

**Comment**

The Management Evaluation Report Form example uses the term "Auditors objective review of the QAP effectiveness."

**Proposal**

Delete this statement entirely.

**Impact to FlightSafety**

1. Nowhere is the term "QAP" defined.
2. There is no objective test available to determine the effectiveness of a QAP program, therefore any auditors judgement of effectiveness is highly subjective.

comment 1524 comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 2457  comment by: *Iberworld Airlines*

2. The reports in pag 34 and 35:

- don't include the level of the finding
- don't include the cause of the finding (fundamental to stablish the adecuate corrective action)
- include the accountable manager signature (unnecessary and unrealistic for a not SMALL ORGANIZATIONS)

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.200(b) Management System - ATO**

p. 36

comment 28 comment by: *Alteon*

ADD

5. For FSTD operators a training center with two or less FFS is considered small

comment:  
What about if an operator does not provide wet training but only dry (meaning it does not need instructors) hence is only a FSTD operator with no ATO approval

comment 57 comment by: *George Knight*

-2 & 3 – Small recreational ATOs and clubs may not employ any instructors; they are frequently part-time volunteers, especially in the gliding and microlight environments. In some cases a large club may have more than 20 volunteer instructors, however, it will only roster typically up to 4 at any time. The definition should be on Full Time Equivalentents so as to eliminate the inadvertent classification of small ATOs into the large ATO category based on total numbers of instructors rather than the maximum on duty at any time.

comment 71 comment by: *British Gliding Association*

The BGA disagrees with the assumptions made in this part items 2 - 4.

It is clear from previous comments that the requirements for an 'other' organisation are disproportional (and in many cases economically impossible) for what is fundamentally volunteer managed gliding training within an airport federation recognised by an NAA. Clearly any gliding training outside of that established format should be considered seperately.

Proposal. Item 1 should read 'Small training organisations and any Air Sport approved training organisations within an Air Sport Federation recognised by an NAA should have...'

comment 360 comment by: *Egon Schmaus*

AMC to OR.GEN.200(b)

2. For this purpose, approved training organisations that employ 20 or less instructors, or working solely with leisure-time instructors should be regarded as a "small organisation".

Reason:

ATOs like Baden-Württembergischer Luftfahrtverband (BWLTV) are an "Umbrella-ATO" for some 150 aeroclubs with mostly just 2-3 instructors for LAPL or PPL(A) or (S).

All work of management and auditing is done by leisure-time personnel without remuneration.

comment

373

comment by: *Aero-Club of Switzerland*

Question to 4.(c) before commenting: What kind of satellites might the writers of this paragraph have been thinking of?

In our federations and clubs, a figure of "20" has no logic as the instructors are volunteers and members of the club and/or federation, and taking part in the activities during weekends or during holidays.

**Proposal**

Please add: Non-commercial and club-based ATO's are small organisations irrespective of the number of engaged instructors.

comment

527

comment by: *UK CAA*

**Page No:**

36 of 83

**Paragraph No:** AMC to OR.GEN.200(b)

**Comment:** The definition of a 'small organisation' is different for an ATO than for an Operator. They should be the same and based on FTEs. With a recommended instructor/student ratio of 1:6 the ATO could have 120 students at a time, which is not a small organisation.

**Justification:** There does not appear to be any justification for a difference in definition.

**Proposed Text (if applicable):**

2. For this purpose, approved training organisations that employ 20 or less full time equivalents (FTEs) should be regarded as a small organisation.

comment

604

comment by: *Heliswiss AG, Belp*

To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section

**Proposition**

A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

comment

622

comment by: *Heli Gotthard*

To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section

**Proposition**

A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

comment

645

comment by: *Air Grischa Helikopter AG*

To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section

**Proposition**

A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

comment

669

comment by: *Berner Oberländer Helikopter AG BOHAG*

To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section

**Proposition**

A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

comment

711

comment by: *Stefan Huber*

To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section

**Proposition**

A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

comment

751

comment by: *CAA-NL*

Comment

OR.GEN.200(b) does not provide a basis for discrimination on the number of

personnel.

Text proposal

Delete paragraphs 1, 2, and 3 from this AMC.

comment 866

comment by: NATS

OR.GEN.200(b) relates to the size, nature and complexity of the activities (as well as the hazards and associated risks inherent in these activities) not the size of the organisation which is the subject matter of this AMC. The AMC does not consider hazards and associated risks.

comment 890

comment by: Boeing

AMC to OR.GEN.200(b)  
Para 2.  
page 36

The specification to "employ 20 or less instructors" is disadvantageous to organizations using part-time instructors. We suggest this terminology be changed to including a Full-Time Equivalent (FTE) number, as in paragraph AMC1 to OR.GEN.200(b).

**JUSTIFICATION:** Our suggested change is appropriate in order to avoid burdensome regulations on small organizations that employ part-time instructors.

comment 891

comment by: Boeing

AMC1 OR.GEN.200(b)  
Para 2.  
Page 36

Change the term "large organization" to "other organization" to be consistent with wording used previously [e.g., in AMC 2 to OR.GEN.200(a)(4)].

**JUSTIFICATION:** Text consistency.

comment 903

comment by: Royal Danish Aeroclub

Small organisations are in the proposal defined by 20 instructors or less.

A number of european volunteer based federations and unions have hundreds of instructors, but the complexity of the organisation and the range of training courses are limited.

The determining factor, when deciding "small" or "other organisation" should be the complexity of the organisation and the range of training courses offered.

comment 998

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Comment:**

The definition of "small organisation" should be the same in OPS and FCL. Therefore, the definition in FCL should be related to the number of persons who are employed. This will avoid discussions on who is instructor and who is not.

**Proposal:**

Use the definition in OPS for ATO.

1. Small approved training organisations should have a management system that is appropriate for the size of the organisation and the complexity of the activity.
2. For this purpose, an approved training organisation that employs 20 or less should be regarded as a "small organisation".
3. An approved training organisation that employs more than 20 should be regarded as an "other organisation".
4. In determining complexity, the following factors should be considered among others:
  - a. number of aircraft types used for training;
  - b. range of training courses offered;
  - c. geographical spread of training activities (e.g. the use of satellites); and
  - d. range of training arrangements with other approved training organisations

comment

1083

comment by: CAA Belgium

Proposal:

§2: add "FTE's" after "20".

§3: add "FTE's" after "20";

repalce "other" by "large".

Reason: to be in accordance with the next paragraph relating to OPS.

comment

1090

comment by: EUROPEAN GLIDING UNION

AMC OR.GEN.200 (b) – Size, nature and complexity of the activity

In this AMC a partial definition of a "small" organisation is provided. The wording "employed" is used - again indicating a commercial approach.

In a gliding club, training is given by almost exclusively volunteer instructors. It is highly inappropriate to describe their activities as "employment". In some member states there are significant legal implications by doing so.

There exist some large clubs that employ full time staff mainly in supporting administrative and other roles. This employment covers the whole activity of the club (doing also other tasks than giving instruction) and the activity is carried out without a commercial goal. Those clubs comply with the legal status in a national context.

In a club or federation environment, a figure of "20" has no logic (it is an arbitrary number) as these instructors are volunteers taking part in the club activities in their own recreational time, for example during weekends or during holidays. So a large club can count, for example, 40 instructors with each of them providing differing but small proportions of their available recreational time over the whole year.

The same argument applies to the "FTE" or full time equivalent. This makes no sense in the volunteer environment.

comment 1175 comment by: *Irish Aviation Authority*

1. This AMC is inconsistent with the following one viz **AMC1 OR.GEN.200(b) Management System-OPS** .

For ATO a figure of 20 is used whether the personnel are full-time or not, whereas for OPS, full time equivalent is used. A full time equivalent figure should be used here.

Also the terms "small organisation" and "other organisation" are used here but for OPS it is "small organisation" and "large organisation". Generally in this NPA the former system is used and should be used throughout.

2. There could be a very large ATO with no instructors. A FSTD operator, which now must be an ATO for approval purposes (see **CSFSTD(A) BOOK 1 SUBPART A APPLICABILITY CS-FSTD(A).001 Applicability**

(a) CSFSTD(

A) as amended applies to approved training organisations operating a Flight Simulation Training Devices (FSTD) or in case of BITDs only, manufacturers seeking initial qualification of FSTDs.

and **OR.ATO.350 Application for FSTD qualification**

An application for an FSTD qualification shall be made, in a form and manner established by the competent authority, by the ATO, except for BITDs, for which the applicant shall be the BITD manufacturer.) could have many installations and many staff or personnel but no instructors. Therefore a criterion other than instructor numbers will have to be used for determining size. Suggest FTE as in **Management System-OPS** .

DCr 260509

comment 1525 comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment 1620 comment by: *Graham HALLETT*

AMC to OR.GEN.200(b)

Para 2. This should presumably refer to 20 or less full time equivalent (FTE) instructors, as per AMC1 OR.GEN.200(b)1. below.

If this is not a drafting oversight and it is proposed to have the different criteria of 20 Full Time Equivalent employees or 20 Instructors to determine whether an organisation is small or not, then I would maintain that this makes a mockery of any pretension to proportionality within the proposals.

comment 1664 comment by: CAA CZ

AMC to OR.GEN.200(b), page 36  
 We recommend to correct numbering of AMC to OR.GEN.200(b):  
 AMC **1** to OR.GEN.200(b) Management System **ATO**  
 AMC ~~2~~ **2** to OR.GEN.200(b) Management System **OPS**

comment 1666 comment by: CAA CZ

AMC to OR.GEN.200(b), page 36  
 Management System **ATO**:  
 2. For this purpose, approved training organisations that **employ 20 or less instructors** should be regarded as a "small organisation".  
 3. Approved training organisations **employing more than 20 instructors** should be regarded as an "other organisation".  
 We propose to use the same calculation for "full time equivalent (FTE) as in the following section AMC 1 to OR.GEN.200 (b) Management System - OPS. We have problem with FTO now, because there is not clearly defined "full time". Organization, which has 65 instructors, we have to consider as very small, because it employs full-time only 2 people.

comment 1696 comment by: *Fédération Française Aéronautique*

FFA firmly disagrees with the wrongful definition of "small organisation" given in this AMC. The number of instructors employed is not a meaningful criterion. So, once again, the FFA asks for the definition of "Very small flight training organisation" as defined in our proposal on NPA page 1 above. A "Very small training organisation" is an ATO providing VFR flight training for Basic LPL, LPL and PPL. Nothing more, nothing less.  
 Fundamentally, it is not at all the purpose of an AMC to modify the definition given in the NPA 2008-22a (page 106 table 48). EASA gives once again the feeling that "the devil is in the details".  
 Consequently, FFA asks that rules 2 and 3 of this AMC shall be deleted.

comment 1718 comment by: *Baden-Württembergischer Luftfahrtverband*

AMC to OR.GEN.200(b)  
**Wording in the NPA**  
**Our proposal**  
 ADD:  
 Non profit training facilities like clubs with volunteer instructors for LPL, SPL, BPL or PPL can be considered as small ATO.  
 Multiple non profit training facilities like clubs for LPL, SPL, BPL or PPL may join into a single ATO and be regarded as a small ATO.  
**Issue with current wording**  
 May not appropriately apply to umbrella ATO. The distinction does not apply to non profit ATO with volunteer instructors and no employment contract.  
**Rationale**  
 An Umbrella ATO as implemented in many states of Germany consists of a team managing the ATO and many quite independent subsidiaries in the clubs

handling the actual training. Most of the positions are filled by volunteers. There are no employed instructors, all are volunteers. Courses are limited to LPL, SPL, BPL and PPL For the subsidiaries the umbrella ATO will apply the regulations for small ATO's

comment 1747

comment by: CAE

AMC OR.GEN.200 (b) (2) page 36

The specification to "employ 20 or less instructors" is disadvantageous to organizations using part-time instructors. Please change to terminology including a Full-Time Equivalent (FTE) number of instructors as is the case of Management System-Ops employees in AMC 1 OR.GEN.200 (b).

This will avoid burdensome regulations on small organizations that employ part-time instructors.

comment 2145

comment by: CAA Norway

AMC OR.GEN.200(b)

It should be specified that the 20 instructors should be Full Time Equivalents, as is done in AMC 1 OR.GEN.200(b) – Management System- OPS.

It could also be considered if it is possible to combine these two AMCs into one.

comment 2254

comment by: CAA Finland

Amend. The number of instructors is not clear as in several ATOs there are many part time instructors.

**(e) Two part time instructors (less than 20 working hours per week for the ATO) are counted as 1 instructor.**

comment 2273

comment by: Svenska Ballongfederationen

AMC to OR.GEN.200(b) Management System ATO

2. & 3.

To limit the number of instructors in a "small organisation" to 20 is from a Swedish perspective not good and might even be devastating for the future of training in Sweden.

Almost all Swedish balloonists are organized in Svenska Ballongfederationen, SBF for short. SBF is the national non-profit balloon organization (Swedish version of BBAC). SBF has through its flight school and training organization performed the main part of training for balloon certificates for thirty-five years. Today SBF handles training all across Sweden with less than twenty instructors, four of which are also examiners. The number of instructors will from year to year typically vary between seventeen and twenty-six. This is what is needed to handle the amount of students and pilots in need of for example proficiency checks in Sweden.

There is a big difference between the amount of work needed to satisfy the demands for management systems in an "other" and a "small" organisation. Being a non-profit flight school it would be devastating for SBF to be classified as "other organisation" since all work done by instructors and flight school staff is done on a voluntary basis without personal gain. The number of instructors however will need to be somewhere around twenty as will be shown in the following paragraphs. The added demand on PC:s every six years for LPL(B) and BPL certificate holders suggested by NPA 2008-17 might also demand that we may need to increase the number of instructors.

In Sweden most instructors have other professions and do flight training in their spare time free of charge. The flight school is as mentioned before also a non profit organization. A student therefore can't expect to do flight training as soon as he/she has the time but must also be able to find an instructor that has the time. The Swedish instructors also have to cover students in many different locations. Travelling from the south to the north of Sweden takes about twenty-four hours by train. This is also a limiting factor which means that students must use every chance they get when there is an instructor in the vicinity. We also have the weather working against us and all windows to fly, train and test are needed. A student pilot for example needs to be able to take the chance to fly when he/she gets it and must then be able to find an instructor. All of these needs and limiting factors mean that we must have quite a lot of instructors (typically between seventeen and twenty-six) to handle all training in Sweden, however we are still a small organisation with no full-time instructors. The same arguments can be applied to students/pilots in need of proficiency checks, extension of privileges, and revalidation of expired certificates.

comment

2306

comment by: *Deutscher Aero Club Landesverband Niedersachsen***Our proposal**

ADD:

Multiple small non commercial training facilities for LPL, SPL, BPL or PPL may join into a single ATO and be regarded as a small ATO.

**Issue with current wording**

Does not appropriately apply to umbrella ATO

**Rationale**

An Umbrella ATO as implemented in many states in Germany consists of a team managing the ATO and many quite independent subsidiaries in the clubs handling the actual training. Most of the positions are performed by volunteers. There are no employed instructors, all are working on a voluntary basis. Courses are limited to LPL, SPL, BPL and PPL. For the subsidiaries the umbrella ATO will apply the regulations for small ATO's . The different organizations involved in this processes and organization are completely non profit organizations.

comment

2396

comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU disagrees on the "Small organisation" definition given in this AMC and the following one (AMC1 OR.GEN.200(b), "Management system-OPS").

This definition based on the number "employed" by the organisation is surely and completely unadapted and unrealisticfo Small non commercial, non profit

training organisation as aero-clubs.  
This definition shows also a total ignorance of the situation and subject.  
A complete rewriting is necessary.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 1  
OR.GEN.200(b) Management System - OPS**

p. 36

comment 70 comment by: *British Gliding Association*

It is clear from previous comments that the requirements for an 'other' organisation are disproportional (and in many cases economically impossible) for what is fundamentally volunteer managed gliding training within an airport federation recognised by an NAA. Clearly any gliding training outside of that established format should be considered separately.

Proposal. Item 1 should read 'An organisation employing 20 or less FTE or any Air Sport approved training organisations within an Air Sport Federation recognised by an NAA should be regarded as a small organisation.'

comment 83 comment by: *David COURT*

It is good to the that EASA have used FTEs when determining the size of an organisation. Many Training Organisations have more than 20 Instructors but a lot are part time volunteers who may only instruct for a few flights each week.

comment 115 comment by: *Jan Ahlquist, QM, Blue Chip Jet HB*

This is valid for an Operator where the limit is 20 or less FTE to be considered a "small organisation" The operator management system could have both Part-M, Part-145, OR-ATO +++ thereby it is very small organisations that is defined as "other organisations" that will require this setup.

All according to the object that there only should be one managent system even if the Company/operator has several different approvals.

Our Company is exceeding this today with 3 business jet aircraft, total fleet utilisation of less than 2000 fh/year. OPS, PART-M and Part-145 organisations. To be required to establish the management system as "other organisation" will give an unmotivated administrative and financial burden for the Company. To be classified as "small organisation" would be both more efficient and relevant, without degrading the safety objects.

Suggest that this is taken into consideration and give possibility for making the organisation, efficient and relevant to the actual size of the total organisation and use similar conciderations as in AMC OR.GEN.200(b) for ATO.

Maybe based on a maximum number of Nominated Post Holder(NPH) + Accountaber Manager, Safety manager and Quality Manager for a multiapproval organisation.

comment 412 comment by: *Civil Aviation Authority of Norway*

If an organisation employing 20 full time persons is regarded as a large organisation, it must be specified if the number of people is related to flight operations, or to the organisation as a whole

- comment 605 comment by: *Heliswiss AG, Belp*
- To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section
- Proposition  
A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.
- comment 623 comment by: *Heli Gotthard*
- To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section
- Proposition  
A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.
- comment 646 comment by: *Air Grischa Helikopter AG*
- To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section
- Proposition  
A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.
- comment 670 comment by: *Berner Oberländer Helikopter AG BOHAG*
- To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of organization and therefore be moved to the OR.GEN section
- Proposition  
A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.
- comment 710 comment by: *Stefan Huber*
- To determine the size of a company, the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises should be used. The definition should apply to any kind of

organization and therefore be moved to the OR.GEN section

**Proposition**

A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

comment

752

comment by: CAA-NL

Comment

OR.GEN.200(b) does not provide a basis for discrimination on the number of personnel.

Text proposal

Delete AMC1 to OR.GEN.200(b)

comment

777

comment by: European Business Aviation Association (EBAA)

**AMC1 OR. GEN.200 (b)**

This distinction between small and large organisations seems a little simplistic in determining the complexity of an operation. Rather, the nature and mixture of flight operations should be used as a determinant of the size of the business rather than just employee head count. Indeed, in GA/Corporate, many FTEs work less than 35hr per week. Accordingly rather than there being a specific boundary between small and large operators, it should be a continuum that relates to the nature, size and complexity of the operation. Whilst this lack of a clear delineation may present certain difficulties for regulators, this can be overcome by making the delineation more performance based and less prescriptive. At the very least, the validity of some of the suggested metrics should be reviewed.

comment

867

comment by: NATS

1. OR.GEN.200(b) relates to the size, nature and complexity of the activities (as well as the hazards and associated risks inherent in these activities) not the size of the organisation which is the subject matter of this AMC. The AMC does not consider hazards and associated risks.

2. The convention has been to use "other organisation" rather than "large organisation" in other AMC

comment

1162

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**COMMENTS**

This definition and threshold seem empiric and not realistic regarding the operational and economical activity.

**PROPOSALS**

**1/** Upscale the threshold to 50 FTE.

**2.a/** FTE included in this definition shall be the ones directly involved in the

activity of the organization for the purpose of the scope of the agreement considered.

For instance, let's imagine an operator having either an AOC agreement, an ATO agreement and a part-145 agreement : the threshold shall be calculated 3 times, according to the staff specifically involved in each of those 3 distinctive activities.

(Eg: flights instructors for ATOs, people directly involved in air operations for AOC's holders with an ATO, etc... shall be considered separately and only for the purpose of the activity they carry out.)

*This is a consistency and competitive concern : if not so, this operator would be penalized as compared to another using subsidiaries to perform the same tasks, with the same level of safety.*

**2.b/** Exclude the flight crew from the calculation : risks are not proportional to the number of flight crew, but to the volume and the nature of the activity.

This is also a consistency and competitive concern : let's imagine 2 operators performing exactly the same activity, operator A with 15 flight crews and operator B with 30 flight crews.

*Risks are obviously at least the same for operator A & B (probably less for operator B, which has a higher level of staff), and operator B would be penalized of its investment in human capital, through a higher level of requirements. This would be a non-sense, with no positive safety impact.*

**3/** Define in the AMC or in a relevant GM, guidelines to determinate those considered FTEs

Guidelines and methodology shall be given to both organizations and Competent authorities to determine the considered FTEs.

A working group, const of NAAs and Professionals representatives may assist EASA in conducting this work.

## **JUSTIFICATION**

### **1/**

#### **Consistency with the European global legal framework**

In order to warranty consistency with the global European regulation framework, a 'large enterprise' shall be defined in accordance with Commission Recommendation 2003/361/EC of 6 May 2003, that is to say nor a 'small enterprise' neither a 'microenterprise', ie:

- More than 50 persons / FTE, both for § (a) and (b)

*"Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises [Official Journal L 124 of 20.05.2003] - **Micro, small and medium-sized enterprises** :*

*Micro, small and medium-sized enterprises are defined according to their staff headcount and turnover or annual balance-sheet total.*

*A medium-sized enterprise is defined as an enterprise which employs fewer than 250 persons and whose annual turnover does not exceed EUR 50 million or whose annual balance-sheet total does not exceed EUR 43 million.*

*A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.*

*A microenterprise is defined as an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million."*

### **2.a/**

Else the Agency approach might lead in the multiplication of subsidiaries, with an unassessed impact on the global level of safety

*(Non limitative sample – justification seems BTW obvious)*

**2.b/**

Else the Agency approach might lead in the multiplication of subsidiaries, with an unassessed impact on the global level of safety

*(Non limitative sample – justification seems BTW obvious)*

**3/**

Seems pragmatic

\*\*\*\*\*

*Disclaimer :*

*These comments are limited to the part of the proposed article they refer to. Since some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent, these comments are also limited to their understanding not considering the regulation as a whole. We reserve our final point of view to the issuance of a consistent and fulfilled framework of regulation. Some additional comments shall arise.*

*The fact this article is commented SHALL NOT BE considered as an acceptance or an acknowledgement of the proposed associated regulation, as a whole or of any part of it.*

*FNAM has requested a delay for commenting and proposed to EASA to settle meanwhile a common and constructive approach between the Agency, the NAAs and the industry in order to identify and discuss the issues of the proposed regulation. This comment SHALL BE considered as (and only as) the first step of key issues identification.*

*This disclaimer has to be considered as an integrative part of the following comment.*

comment

1526

comment by: *BMVBS (MoT Germany)*

Since the text of OR.GEN.200 needs a complete rewriting the same applies to all AMCs and GMs to OR.GEN.200.

Recommended amendment of the text:

(complete redrafting necessary)

comment

1697

comment by: *Fédération Française Aéronautique*

FFA firmly disagrees with a wrongful definition of "small organisation" given in this AMC (see FFA comment above to AMC to OR GEN 200 (b), on page 36 of this NPA)

Fundamentally, it is not at all the purpose of an AMC to modify the definition given in the NPA 2008-22a (page 106 table 48). EASA gives once again the feeling that "the devil is in the details".

Consequently, FFA demands that rules 1 and 2 shall be deleted.

comment

1746

comment by: *CAE*

AMC1 OR.GEN.200 (b) (2) page 3

Change "large" to "Other" to be consistent with wording used elsewhere in this

NPA.

comment

2095

comment by: ERA

ERA Members would like to draw to the attention of EASA the Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises [Official Journal L 124 of 20.05.2003].

Micro, small and medium-sized enterprises:

Micro, small and medium-sized enterprises are defined according to their staff headcount and turnover or annual balance-sheet total.

A medium-sized enterprise is defined as an enterprise which employs fewer than 250 persons and whose annual turnover does not exceed EUR 50 million or whose annual balance-sheet total does not exceed EUR 43 million.

A small enterprise is defined as an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

A micro enterprise is defined as an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million.

ERA Members would request that in order to warrant consistency with the global European regulation framework, there is a need for 'large enterprise/organisation' to be defined in accordance with this recommendation, that is to say neither a 'small enterprise' nor a 'micro enterprise'. A suggestion would be *more than 50 persons / FTE, both for § (a) and (b)*.

*Note:* The FTE [full time equivalent] included in this definition should be the ones directly related to the activity of the organization [e.g.: flights instructors for ATOs, people directly involved in air operations for AOC's holder with an ATO, etc...].

comment

2334

comment by: Europe Air Sports PM

AMC OR.GEN.200 (b) – Size, nature and complexity of the activity

In this AMC a partial definition of a "small" organisation is provided. Secondly, the word "employed" is used, which indicates an assumption of commercial interests.

In air sports clubs training is provided frequently (or in the case of gliding almost exclusively) by volunteer instructors. It is highly inappropriate to describe their activities as "employment", which indicates remuneration and therefore a commercial relationship. In some member states there are significant legal implications by using the term "employment".

In some of the larger air sport clubs full-time staff are employed or remuneration mainly in supporting administrative and other roles. This employment covers the whole activity of the club (doing also other tasks than giving instruction and the activity is carried out without a commercial motivation on the part of the club). Those clubs comply with the legal status in a national context.

In an air sports club or federation environment, a figure of "20" has no logic (it is an arbitrary number) as these instructors are volunteers taking part in the club activities in their own recreational time, for example during weekends or during holidays. So a large club can count, for example, 40 instructors with

each of them providing differing but small proportions of their available recreational time over the whole year.

The same argument applies to the "FTE" or full time equivalent. This makes no sense in the volunteer environment.

Proposal:

EASA to reconsider the whole question of terminology in respect of 'employment' and the relationship of volunteers to the club's activities, and whether those relationships lead to the same conclusions are for commercially motivated training organisations. EAS is willing to work with EASA to find an acceptable solution.

comment 2379

comment by: Klaus HARTMANN

Folgende Verhältnisse im Ausbildungsbereich von Freiballonführern in Deutschland und, höchstwahrscheinlich auch in ähnlicher Weise in anderen Ländern, sind bei den Bestimmungen für ATO's im Luftfahrzeugbereich Freiballon (BPL / LPL(B)) zu berücksichtigen/bedenken.

In Deutschland werden jedes Jahr ca. 20 Piloten ausgebildet. Die Anwärter wohnen in der Regel gleichmäßig verteilt über Deutschland.

Dabei sind folgende Besonderheiten zu berücksichtigen:

1. Ausbildungsfahrten finden grundsätzlich nur außerhalb der Zeiten zu denen Thermik herrscht statt. (Z.B. im Sommer zwischen 05:30 – 08:00 loc und 19:30 – 21:30 loc)
2. Ob eine Ausbildungsfahrt durchgeführt werden kann entscheidet sich auf Grund der meteorologischen Bedingungen in Verbindung mit der hohen Sensibilität des Ballons für Wettererscheinungen oft erst kurz vor der geplanten Startzeit am Startplatz.
3. Eine auf kurze Zeitspanne ausgelegte kompakte praktische Ausbildung, z.B. in 2-3 Wochen ist mit Ballonen nicht möglich, da die meteorologischen Verhältnisse in unseren Breiten dies nicht zulassen und daher auch keine Ausbildungseinrichtungen existieren können, die ausschließlich Ausbildung betreiben. Dadurch verteilt sich die Ausbildung zeitlich auf 1 bis zu 2 Jahren und fast nie unter 6 Monate.

Diese 3 genannten Besonderheiten in der Ausbildung zu Freiballonführern führen zu folgender Konsequenz:

Pilotenanwärter müssen für jede Ausbildungsfahrt zum ausgewählten Startplatz anreisen. Dies kann aus meteorologischen Gründen öfter umsonst sein (kein Start). Die Zeiten zum Verlassen des Hauses im Sommer zur Anreise zum Startplatz liegen zum Zwecke der Fahrtvorbereitung der Ausbildungsfahrt mit dem Lehrer mindestens ca. 1,5 h + der Reisezeit vor dem geplanten Start. Nach der Landung im Sommer wird der Ballon verpackt, zur Betankung der Flaschen gefahren, eine Nachbesprechung durchgeführt entsprechend je nach Fahrtstrecke des Ballons ca. 2 – 2,5 h . Die Heimreise endet dann nach Mitternacht.

Daraus folgt, dass für die praktische Ausbildung von den Pilotenanwärtern in der Regel nur Wohnortnahe Ausbildungseinrichtungen ausgewählt werden. Daher sind die Fälle selten, dass mehrere Pilotenanwärter zur gleichen Zeit in einer Ausbildungseinrichtung ausgebildet werden.

Die theoretische Ausbildung findet dagegen in kompakter zeitlicher Form an wenigen Orten in Gruppen in Ausbildungseinrichtungen statt, die sich auf Theorieausbildung ausgerichtet haben. Für die Lehrer der praktischen Ausbildung ist es nicht effektiv einen einzelnen Pilotenanwärter in allen Fächern theoretisch auszubilden.

Die mehr als 200 Lehrer in Deutschland (für ca. 20 Schüler im Jahr) bilden in der überwiegenden Mehrzahl ehrenamtlich in Vereinen oder als einzelne Ausbilder in Ein-Personen Ausbildungseinrichtungen aus.

Aus den genannten Gründen gibt es keine Ausbildungseinrichtungen für die eine gewerbliche Schule ein Haupterwerb darstellen könnte.

Eine Einschränkung der bisherigen Möglichkeiten auch in sehr kleinen bzw. Ein-Personen Ausbildungseinrichtungen ausgebildet zu werden würde die Anzahl neuer Piloten weiter reduzieren.

Einschränkungen sind auch zu erwarten, wenn der bürokratische Aufwand für die oft ehrenamtlich tätigen Lehrer unverhältnismäßig stark ansteigt um Ausbildung betreiben zu können.

Weniger Schüler (und mehr Erhaltungsaufwand für die Lehrberechtigung durch zukünftiges FCL) führt automatisch zu weniger Lehrberechtigten.

Folge : Weniger Lehrberechtigte bedeutet weniger Prüfer bei gleichzeitig ansteigender erforderlicher Prüferzahl durch zukünftiges FCL für proficiency-checks.

Folge : Weniger Prüfer bedeutet eine größere Anzahl von Prüfungen für die verbliebenen Prüfer.

Folge : Weitere Verringerung der Prüferzahl durch Aufgabe der Prüfertätigkeit wegen Überlastung.

**Um die Sicherheits- und Qualitätsanforderungen an ATO's für die Ausbildung von Freieilballonführern BPL und LPL(B) sicherzustellen, die Ausbildungstätigkeit guter Lehrberber echtigt aber nicht erheblich zu belasten oder unmöglich zu machen wird folgender Vorschlag gemacht:**

**Es sollte eine AMC für 'Mini - ATO's für Freieilballonführer BPL/LPL(B)' geben.**

**Falls dies nicht möglich ist wäre auch eine Einschränkung der Anzahl der in einem Jahr maximal auszubildenden Pilotenanwärtern für eine Mini - ATO allgemeiner Art möglich.**

**Für Mini - ATO's BPL/LPL(B) sollte es einen HT geben (auch in Ein-Personen-ATO's) der nach den Vorgaben eines 'Organisation Manuals' arbeitet, dessen Inhalte als GM zu einer OR. ATO für Mini - ATO's festgelegt sind. Darin können alle Aufgaben die in dieser Mini - ATO zu erfüllen sind (reporting, safety, operations, ...) zusammengefasst sein. Mini - ATO's die gerade aktiv ausbilden sollten jederzeit von einer externen Stelle überprüft werden können. Diese Überprüfung könnte durch Mitglieder der Luftfahrtbehörden für die theoretische Ausbildung und reporting erfolgen und z.B. durch Senior Examiners in der praktischen Ausbildung. Diese Überprüfung entspräche den Anforderungen der Sicherheits- und Qualitätsüberprüfungen von small organisations.**

**Im Ballonbereich haben sich wegen der nicht vorhandenen Flugplatzpflicht viele kleine Ballongruppen an vielen verschiedenen**

Orten et abliert. Diese sind oft nicht als Verein organisiert. Auch in diesen Gruppen in denen überwiegend Sportfahrten / Fahrten im Hobbybereich durchgeführt werden finden sich hochqualifizierte Ausbilder die gelegentlich Piloten ausbilden. Daher sollte die Beschränkung der Ausbildung für Mini – ATO's in einer legal entity entfallen, sowie die Bankauskünfte zur finanziellen Ausstattung dieser ATO's.

Die Ausbildung der Pilotenanwärter in zwei verschiedenen ATO's jeweils für die Theorieausbildung und die Praxisausbildung soll möglichst sein.

comment

2400

comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU disagrees on the "Small organisation" definition given in this AMC and the preceding one (AMC OR.GEN.200(b), "Management system-ATO"). This definition based on the number "employed" by the organisation is surely and completely unadapted and unrealistic for Small non commercial, non profit training organisation as aero-clubs. This definition shows also a total ignorance of the situation and subject. A complete rewriting is necessary.

comment

2435

comment by: *FlightSafety International*

The specification of "employ 20 or less instructors" is disadvantageous to organizations using part-time instructors. Please change to terminology including a Full-Time Equivalent (FTE) number as in AMC 1 OR.GEN.200 (b). Change "large" to "Other" to be consistent with wording used previously.

To avoid burdensome regulations on small organizations that employ part-time instructors.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.205 Contracting and purchasing**

p. 36

comment

58

comment by: *George Knight*

For small ATOs, especially recreational clubs, the main activity to be contracted out will be aircraft maintenance. A small ATO run by volunteers is unqualified to undertake the compliance monitoring proposed against a possibly larger, commercial, aircraft maintenance organisation.

Small ATOs should be exempt.

comment

237

comment by: *ECA- European Cockpit Association*

ECA requests clarification about this article. Is there a transfer of responsibility to the contractor? Or is this only an administrative procedure? What are the changes compared to the present situation? In which cases this article applies, only to the ones in the AMC/GM or are there any other cases the contractor may like to subcontract?

Besides, the title is not clear: Compliance monitoring responsibility by contracting. Change "by" with "when".

comment

446

comment by: *FlightSafety International***Comment**

Section 1.b and 1.c refer to "safety related service" and "safety related activities"

**Proposal**

The Rule and AMC's need to be reviewed and rewritten to consolidate safety-related, quality-related, and management-related activities into a single, comprehensive set of requirements.

**Impact to FlightSafety**

There is currently much duplication of requirements between the various sections of the Rule and AMC's. It is confusing and sometimes contradictory. Determination of a method of compliance has consumed and will continue to consume a tremendous amount of time and resources. A much simpler set of requirements and AMC is necessary in order to prevent duplication of effort and wasted resources.

comment

990

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)***Comment:**

We support the general idea of the requirement but there are some ambiguities and loopholes in the text that need to be addressed, especially in paragraph e) of the AMC. There might be a risk that the requirement in conjunction with EASA's AMC opens up for misuse of contracting out services to organisations that does not have the necessary approvals. Therefore it must be built into the text/wording a limitation in order to hinder an indirect expansion of the activities.

**Proposal:**

Build into the text/wording a limitation to hinder an indirect expansion of the activities. Basically this means that a contracted organisation may not perform an activity that requires an approval even if the contracting party has an approval.

comment

1324

comment by: *Ryanair***AMC to OR.GEN.205 – Contracting and Purchasing****Comment**

Not all activities listed are the responsibility of the Compliance Monitoring System

**Proposal**

Replace "compliance monitoring" with "Organisation". Organisation responsibility by contracting.

- comment 1528 comment by: *BMVBS (MoT Germany)*
- Due to the necessary rewriting of the management system (see commentary to OR.GEN.200) the Paragraphs 1. c. and e. are affected as well. They shall be redrafted. Moreover, we do not consider the delegation of compliance monitoring to the contracted organisation to be acceptable. For example, if an activity needs a special approval or authorisation (by the authority) it is not possible to perform such an activity by a not approved contracted organisation under their own supervision. In this case the organisation has to show that these activities will be performed under direct supervision of this approved organisation.
- Recommended amendment of the text:
1. Contracted activities.
- a. An organisation may decide to contract certain activities to external organisations.
- b. A written agreement should exist between the organisation and the contracted organisation clearly defining the safety related services and quality to be provided.
- c. ~~The contracted safety related activities relevant to the agreement should be included in the organisation's Compliance Monitoring Programme. (complete redrafting necessary)~~
- d. The organisation should ensure that the contracted organisation has the necessary authorisation or approval when required, and commands the resources and competence to undertake the task.
- e. ~~If the organisation requires the contracted organisation to conduct activity which exceeds the contracted organisation's authorisation or approval, the organisation is responsible for ensuring that the contracted organisation's compliance monitoring takes account of such additional requirements. (complete redrafting necessary)~~
- comment 1651 comment by: *British Airways Safety & Security*
- Use of the word quality in section 1b does not describe what is required. The wording should be changed from **the safety related services and quality to be provided** to **the services required and their performance measures**.
- comment 1698 comment by: *Fédération Française Aéronautique*
- Considering this rule not adapted and completely unrealistic for "Very small" (see our proposed definition in the FFA comment on NPA page 1 above), and "Small organisations", FFA requests to delete this AMC or to keep it only for "Other/Large" organisations.
- comment 1952 comment by: *IACA International Air Carrier Association*
- IACA does not understand the purpose of such GM, which may create confusion giving the impression that maintenance can no longer be outsourced.

comment 238 comment by: *ECA- European Cockpit Association*

ECA requests clarification about this article. Is there a transfer of responsibility to the contractor? Or is this only an administrative procedure? What are the changes compared to the present situation? In which cases this article applies, only to the ones in the AMC/GM or are there any other cases the contractor may like to subcontract?

comment 663 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comments:

GM OR.GEN.205 2. relates to the outsourcing of duties to agents acting on behalf of an operator and states " The ultimate responsibility for the product or service provided by external organizations should always remains (sic) with the operator." This reflects Appendix 2 to OPS 1.175 (2) (ii) which states "An operator contracting other organisations to provide certain services retains responsibility for the maintenance of proper standards. In such circumstances, a nominated post holder must be given the task of ensuring that any contractor employed meets the required standards." It is suggested this text places an unrealistic burden on an operator.

Experience in Switzerland has shown that whilst the above requirement is theoretically sound, in practice it does not work. Numerous instances have been experienced where handling agents have been found to be employing staff who, for example, have not received the requisite dangerous goods training, despite their being audited by the many operators they handle. It is suggested the main weaknesses with the requirement are as follows:

1 An operator audit is only a "snapshot" in time and whilst a satisfactory situation may have been noted during the audit the operator has little control over what happens in the months (typically 12) before the next audit;

2 Increasingly, an agent who has been delegated a task by an operator may in turn delegate this to another company which in theory (according to the text of GM OR.GEN.205.) is still subject to the oversight of the operator. It is suggested this is unrealistic and more needs to be done to ensure that agents acting on behalf of an operator have a responsibility themselves to comply with the applicable requirements.

Proposal:

Delete GM OR.GEN.205 2. and it is suggested the IRs be reviewed to require a) greater accountability of agents acting on behalf of operators, and b) increased oversight by states of such entities.

comment 753 comment by: *CAA-NL*

Comment

It is suggested to transfer specific GM for contracting and purchasing with respect to OPS to subpart OPS.

Text proposal

None

comment 868 comment by: NATS  
1. Typographical error; there are two entries for "d."

comment 978 comment by: Luftfahrt-Bundesamt  
Point 1. e.: It is not sufficient to state, that "the organisation is responsible for ensuring, that the contracted organisation's compliance monitoring takes account". If an activity needs a special approval or authorisation (by the Authority) it is not possible to perform such an activity by a not approved contracted organisation under their supervision. In this case the organisation has to show that these activities will be performed under direct supervision of this approved organisation.

comment 1953 comment by: IACA International Air Carrier Association  
"c. Maintenance" has been erroneously omitted.

comment 2105 comment by: ERA  
EASA have informed ERA that on the ongoing review of ground deicing / antiicing operations related to a future NPA that this is related to NPA 2009-02a,b & c. Hence the need to delay the consultation close out date for this NPA.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 1 to OR.GEN.215 Facilities - ATO**

p. 37

comment 528 comment by: UK CAA

**Page No:**  
37 of 83

**Paragraph No:** AMC 1 to OR.GEN.215

**Comment:** A number of ATOs provide training for both professional and private licences. As written the first line suggests the AMC 1 would not apply to them, which is not the intention.

**Justification:** Clarification of intent.

**Proposed Text (if applicable):**

Approved training organisations providing training other than the LPL, BPL, SPL and PPL

comment 606 comment by: Heliswiss AG, Belp

There are ATOs that are specialized in theoretical knowledge course, others provide only flight training. Therefore, the requirements in the AMC1 to OR.GEN.215 should take that into consideration. Operations room etc. will only apply to ATOs providing flight training and vice versa.

Proposition:

1. The following flight operations accommodation should be available as applicable:
2. The following facilities for theoretical knowledge instruction should be available as applicable:

comment

624

comment by: *Heli Gotthard*

There are ATOs that are specialized in theoretical knowledge course, others provide only flight training. Therefore, the requirements in the AMC1 to OR.GEN.215 should take that into consideration. Operations room etc. will only apply to ATOs providing flight training and vice versa.

Proposition:

1. The following flight operations accommodation should be available as applicable:
2. The following facilities for theoretical knowledge instruction should be available as applicable:

comment

647

comment by: *Air Grisca Helikopter AG*

There are ATOs that are specialized in theoretical knowledge course, others provide only flight training. Therefore, the requirements in the AMC1 to OR.GEN.215 should take that into consideration. Operations room etc. will only apply to ATOs providing flight training and vice versa.

Proposition:

1. The following flight operations accommodation should be available as applicable:
2. The following facilities for theoretical knowledge instruction should be available as applicable:

comment

671

comment by: *Berner Oberländer Helikopter AG BOHAG*

There are ATOs that are specialized in theoretical knowledge course, others provide only flight training. Therefore, the requirements in the AMC1 to OR.GEN.215 should take that into consideration. Operations room etc. will only apply to ATOs providing flight training and vice versa.

Proposition:

1. The following flight operations accommodation should be available as applicable:
2. The following facilities for theoretical knowledge instruction should be available as applicable:

comment

712

comment by: *Stefan Huber*

There are ATOs that are specialized in theoretical knowledge course, others provide only flight training. Therefore, the requirements in the AMC1 to OR.GEN.215 should take that into consideration. Operations room etc. will only apply to ATOs providing flight training and vice versa.

Proposition:

1. The following flight operations accommodation should be available as

applicable:  
2. The following facilities for theoretical knowledge instruction should be available as applicable:

comment 754 comment by: CAA-NL

Comment

It is suggested to transfer specific AMC for facilities with respect to ATO to subpart ATO.

Text proposal

None

comment 892 comment by: Boeing

AMC 2 to OR.GEN.215

Para 1.c.

Page 37

We suggest changing the term "office(s)" to "workspace."

**JUSTIFICATION:** Offices are not always available for instructors. Shared workspace should be sufficient.

comment 999 comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Comment:**

These two types of organisations are not mutually exclusive, there might very well be ATOs that provide training for PPL, CPL and IR.

**Proposal:**

Change AMC 1 to OR.GEN.215 to:

Approved Training Organisations providing training for other than LPL, BPL, SPL and PPL.

comment 1191 comment by: Irish Aviation Authority

This AMC, by default, will apply to ATO's providing only Type RataingTraining (the flying training can be sub-contracted), or even ATO's providing no training e.g. Simulator Operators. Therefore where it says 'should be available' in 1., it should be followed by: 'where applicable'.

DCr 260509

comment 1667 comment by: CAA CZ

AMC 1, AMC 2 to OR.GEN.200 para 2., page 37

a. Adequate classroom accommodation for the **current student population**.

The aim of this requirement should be clarified and said how we shall evaluate what is "adequate" for the current population of students?

comment 1699 comment by: *Fédération Française Aéronautique*  
FFA recommends adding the words "basic LPL" after "training for".

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC 2 to OR.GEN.215 Facilities - ATO** p. 37-38

comment 72 comment by: *British Gliding Association*  
Item 3 in this part should be applicable to small organisations and any air sport approved training organisations within an Air Sport Federation recognised by the competent authority.

comment 361 comment by: *Egon Schmaus*  
AMC 2 to OR.GEN.215 item 3.  
  
3. In a small training organisation a single room might be sufficient to provide the above mentioned functions.  
  
.....No change required  
  
Reason:  
Small aeroclubs do nowadays already possess a minimum of one room for flight-planning and student training and briefing.

comment 755 comment by: *CAA-NL*  
Comment  
It is suggested to transfer specific AMC for facilities with respect to ATO to subpart ATO.  
  
Text proposal  
None

comment 893 comment by: *Boeing*  
*AMC 2 to OR.GEN.215*  
*Para 2.c.*  
*Page 38*  
  
We suggest changing the term "office(s)" to "workspace."  
  
**JUSTIFICATION:** Offices are not always available for instructors. Shared workspace should be sufficient.

comment 1000 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*  
  
**Comment:**  
These two types of organisations are not mutually exclusive, there might very

well be ATOs that provide training for PPL, CPL and IR.

**Proposal:**

Change AMC 1 to OR.GEN.215 to:

Approved Training Organisations providing training for other than LPL, BPL, SPL and PPL.

comment 1700 comment by: *Fédération Française Aéronautique*  
FFA recommends adding the words "Basic LPL" after "training for".

comment 1701 comment by: *Fédération Française Aéronautique*  
Referring to the definition of "Very small" (see our proposed definition in the FFA comment on NPA page 1 above) and "Small organisations" given in NPA 2008-22a, FFA considers that this AMC concerns all "Very small" and "Small" organisations.  
Therefore, FFA proposes to delete sub paragraphs 1 and 2 and to rewrite subparagraph 3, page 37, as follows: "In a "Very small" and "Small organisation", a single room might be sufficient as flight planning room, briefing room, theoretical knowledge classroom, rest area".

comment 1719 comment by: *Baden-Württembergischer Luftfahrtverband*  
AMC 2 to OR.GEN.215 3.  
**Wording in the NPA**  
3. In a small training organisation a single room might be sufficient to provide the above mentioned functions.  
**Our proposal**  
None  
**We support this wording**  
As long as Number 3. applies to clubs and their non profit ATO this should be OK

comment 1735 comment by: *CAE*  
AMC 2 to OR.GEN.215 (1) (c) page 37  
Change "Offices" to "Workspace"  
Offices are not always available for instructors. Shared workspace is sufficient.  
Reference comment #1736

comment 1736 comment by: *CAE*  
AMC 2 to OR.GEN.215(2) (c) page 38  
Change "Offices" to "Workspace"  
Offices are not always available for instructors. Shared workspace is sufficient.

Reference comment #1735

comment 2255 comment by: *CAA Finland*  
 Amend. See my comment 2158.  
 for **only** LPL, BPL, SPL and PPL

comment 2389 comment by: *Europe Air Sports PM*  
 The requirements listed here for ATOs for PPL, SPL, LPL etc are far too prescriptive, and for many small clubs would be totally excessive. For example, there are gliding clubs that operate from sites where it is not possible to have such facilities (may be due to local planning restrictions). Also, for ballooning, which operates from fields, there are no such fixed-based facilities at all.  
 The requirements listed may be appropriate for fixed wing larger powered aircraft ATOs - often those structured as commercial training schools - but in the light of the FCL proposals to allow non-CPL instructors to conduct training of aeroplane pilots there will be an increase in training (post 2012) by volunteer PPL(A) instructors from clubs rather than 'professional' school facilities.  
 Proposal:  
 EASA to review the requirements for facilities for ATOs, in particular for gliding and ballooning operations as well as the volunteer-based, non-commercial, aeroplane ATOs.

comment 2404 comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*  
 EPFU point out that, even this AMC is not adapted and realistic to Small non commercial, non profit training organisations.  
 Item 1 and 2 of this AMC must be deleted for the above training organisations.

comment 2443 comment by: *FlightSafety International*  
 Change "Offices" to "Workspace"  
 Offices are not always available for instructors. Shared workspace is sufficient.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.220(b) – Record-keeping**

p. 38

comment 529 comment by: *UK CAA*  
**Page No:**  
 38  
**Paragraph No:** AMC to OR.GEN.220(b) & GM to OR.GEN.220(b)

**Comment:** This AMC is restrictive and cumbersome. Principles should be stated rather than referring to detail such as paper, microfilm etc.

**Justification:** To allow for future record media types and focus attention on the purpose of the record system, i.e. to be readable in the future.

**Proposed Text (if applicable):** Replace the AMC & GM with:

1. **Records should be kept in a form appropriate to ensure continued readability for the defined retention period of the record.**
2. **Consideration should be given to fire, flood, temperature, humidity, theft etc and allow for technological advances resulting in some recording media becoming obsolete.**
3. **Appropriate backup of computer-based data should ensure any electronic records are also maintained for the defined retention period.**
4. **Any recording media/system used should maintain the legal admissibility of the record.**

comment 531

comment by: UK CAA

**Page No:**  
38

Paragraph No: AMC to OR.GEN.220 (b) 3

**Comment:** The reference to terminals being required to contain programme safeguards for security may not be appropriate for all IT systems in use by Member States.

**Justification:** Security is not necessarily controlled by terminal. User group policy may determine user network access.

**Proposed Text (if applicable):** Replace last sentence 'Each terminal is required to contain programme safeguards against the ability of unauthorised personnel to alter the database' with '**An appropriate security measure is required to restrict access to the database to authorised personnel only**'.

comment 992

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

These technical requirements for record-keeping by organisations are different to the corresponding requirements for record-keeping by authorities. Some technical or security items are not mentioned in Part-AR, others are not mentioned in Part-OR. This should be harmonised as far as possible.

**Proposal:**

The technical requirements for record-keeping in Part-AR and Part-OR should be harmonised.

comment 1530

comment by: *BMVBS (MoT Germany)*

The wording of Paragraph 3. is unnecessary complicated and should reflect modern computer technology in a more appropriate manner.

Recommended amendment of the text:

3. Computer systems should have at least one backup system which should be updated within 24 hours of any new entry. ~~Each terminal is required to contain programme~~ The system has to incorporate safeguards to prevent against the ability of unauthorised personnel to from altering the database.

comment 2398

comment by: *Europe Air Sports PM*

The requirements in para.3 are overly prescriptive and impractical to implement in a club-based volunteer environment. The 24 hour timescale for updating club records is totally unrealistic in such an environment.

The requirements appear to have been drafted without any knowledge or reference to the environment within which air sports and recreational flying clubs operate.

There is no safety case offered in the NPA for such an onerous requirement.

Proposal:

Delete or at least significantly amend this requirement.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart GEN - Section 2 - AMC to OR.GEN.220 (d) – Record-keeping - OPS**

p. 38

comment 756

comment by: *CAA-NL*

Comment

It is suggested to transfer specific AMC for recordkeeping with respect to OPS to subpart OPS.

Text proposal

None

comment 993

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Point 1. We support the general idea of the paragraph but the text need to be more precise as regards authorisation by the competent authority to a person. Is it an authority person or is it generic?

Point 3. It is questionable if this paragraph should be placed in an AMC related to Part-OR because the rule is of a general and mandatory nature.

A pilot in command must always be able to present the documents that must be onboard an aircraft. The rule is more linked to "the right to inspect an aircraft", or ramp inspection, and a pilot in command's fundamental obligation in relation to flight operations than it is to record-keeping. If a pilot in command has performed a flight without the necessary documentation

onboard this in itself may have its reasons, and might even be approved by the competent authority, but as a main rule all necessary documents must be on board an aircraft prior to commencing flight. Otherwise the pilot in command might not be certain that a flight can be performed in accordance with applicable regulations.

The requirement to carry on board certain documentation is also expressed in appendix IV of Regulation (EC) No 216/2008. The text might be in conflict with the Basic Regulation.

**Proposal:**

Point (1). Clarify the meaning as regards competent authorities' authorisation to persons.

Point (3). Delete the paragraph (3) and see to it that the obligation for the pilot in command is expressed in IR-OPS. Furthermore, the text must show that it is mandatory for the pilot in command to show the necessary documents.

comment

2146

comment by: CAA Norway

AMC OR.GEN.220(d)

This paragraph is limited to OPS. We would like to see it made general, as in particular 1 and 2 are very important for the competent authority to maintain oversight.

If it remains an OPS-paragraph, it should accordingly be moved to OR.OPS to be in line with the structure of part OR as described by EASA.

comment

2325

comment by: Icelandic CAA

Consider removing from this part and add to Part OR Subpart OPS (OR.OPS.220.MLR)

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO**

p. 39

comment

1061

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)

**Comment:**

Editorial: Change "synthetic training devices" and "STD" to "flight simulation training devices" and "FSTD".

**Proposal:**

Editorial changes to new wording.

comment

1187

comment by: Royal Swedish Aeroclub

This whole part is clearly written for commercial flight schools. It is simply not suitable for smaller flight school (Altos) as those run by smaller aero clubs in Sweden. The whole part should be rewritten or there should be an amendment

or attachment making it suitable for those schools (Altos) giving courses for PPL or/and lower.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.010(b) Legal entity and financial resources**

p. 39-40

comment 59

comment by: *George Knight*

-(1) The requirements proposed in this section may appropriate for commercial ATOs providing training for professional licences, and which are solely training organisations, but are excessive and disproportionate for small flying and gliding clubs which wish to train students for LPL, PPL, SPL and BPL using predominantly unpaid volunteer instructors. It should be remembered that for many such organisation, particularly gliding clubs, the main activity is the provision of recreational flying and other facilities for their membership and that training is an associated activity, using an existing fleet of aircraft, and not their main purpose.

For small ATOs training only for LPL, PPL, SPL and BPL the requirements should be simplified to:

- That which is essential and relevant to their role, and
- Be less specific about the data requested to eliminate the need to notify the authority when trivial changes are to be made.

Many of these organisations have been in existence for many decades providing excellent training to high standards.

comment 60

comment by: *George Knight*

-(2)

-(a) For small ATOs the data required is too detailed and will result in a need to notify the authority of trivial changes on a frequent basis.

- The numbers and types of aircraft need only be generic, i.e. 3 two-seater gliders, 2 two-seater SEPs, or two TMGs etc.
- Planned numbers of students by month and course – small ATOs do not run scheduled courses – apart from theory – they operate a booking system or a list system and react to demand and weather.

-(b) The financial details requested are not appropriate for small recreational ATOs – they are not commercial profit-making organisations and just don't work that way. In any case, particularly gliding clubs, the major part of their financial outlay is to provide facilities to fee-paying members, and the income from the same members subscriptions and flying fees. The clubs will continue to exist regardless as to the amount of training that they do. This requirement should be simplified to submission of the previous year's accounts for small non-commercial ATOs.

-( c) This section should not apply to small ATOs teaching only for LPL, PPL, SPL and BPL.

comment 61

comment by: *George Knight*

-(3) This section should not apply to small ATOs teaching only for LPL, PPL, SPL and BPL.

comment 73 comment by: *British Gliding Association*

This requirement will only be possible for an airport such as gliding if the Approved Training Organisation is a centrally resourced Air Sport Federation with flight training delivered by clubs. Small clubs would find this disproportional requirement impossible to deliver.

comment 145 comment by: *Aero-Club of Switzerland*

Are para. 2., subpara. b. and c. really meaningful?

Astonishingly, the text in para. 3, subpara. a, uses now in its last sentence the very clear wording of "Any such submission is to be accompanied..."

Why the text is strict with regards to financial matters, why not with regards to aviation safety matters?

According to us, to obtain financial and technical/operational safety need "have to" and/or "must".

Justification: In writing of what you really want you will get what you really want.

We think, it is not the job of bankers to deliver information about the financial state of an ATO, it is the job of the auditors exclusively.

**For non-commercial and club-based ATO's:**

The AMC to OR.ATO.010(b) is too complicated for non-commercial and club-based ATO's. See also our comments on page 9 of 83. The requirements in regard to the legal and financial situation of an ATO are in our club environment simply not possible.

Proposal: Please add the remark: AMC to OR.ATO.010(b) is not mandatory for non-commercial and club-based ATO's.

Justification: See our comments on page 9 of 83. Gliding clubs in Switzerland are not legal entities. But over 90% of all gliding schools are managed by clubs and operate as "Registered Facilities".

comment 362 comment by: *Egon Schmaus*

AMC to OR.ATO.010(b)

2. b

b. Financial Details

- capital expenditure necessary to provide the planned facilities;
- costs associated with running each of the courses for which approval is sought;

- income forecasts;

- a forecast financial operating statement for the business for which approval is sought; and

- of any other financial trading arrangement on which the viability of the approved training organisation may be dependent.

c. The plan submitted in support of an application for initial approval is to be accompanied by a Financial Statement from the applicant's bankers or auditors, which certifies that the applicant has, or has recourse to, sufficient financial resources to meet the applicant's proposals as described in the plan

to conduct PartFCL courses.

proposed text:

d. For non-profit ATOs working solely with non-commercial personnel, this Financial Statement may be replaced by an initial declaration on number, type and value of owned aircraft.

Reason:

Both BWLV and most aeroclubs do not state instruction activities separately all detailed in their annual tax declaration. Students normally pay costs same as licensed pilots.

comment 447

comment by: *FlightSafety International*

**Comment**

These sections all deal with financial information and financial monitoring.

**Proposal**

Remove all requirements regarding financial review or reporting.

**Impact to FlightSafety**

Financial information is proprietary to the organization and in no way should be used as the basis for determination of acceptability as an ATO. Who determines what is acceptable, and what criteria are to be used? Are those determining the criteria and conducting the ongoing financial monitoring actually qualified ATO financial experts?

comment 532

comment by: *UK CAA*

**Page No:**

39 of 83

**Paragraph No:** AMC to OR.ATO.010(b)

**Comment:** Should be deleted – see UK CAA comments on OR.ATO.010 (b)

**Justification:** See UK CAA comments on OR.ATO.010

**Proposed Text (if applicable):**

See UK CAA comments on OR.ATO.010 (b)

comment 607

comment by: *Heliswiss AG, Belp*

2.c. Financial resources may not only be raised through banks, there are a number of other possibilities. Furthermore, banks may withdraw their statements at very short notice and it will be very difficult for the authorities to have an overview of the financial resources of a medium to large organisation. As we all know, there are quite a few rules to be followed for any kind company and these rules are enforced on a yearly or even quarterly basis. Therefore, it does not make sense for even another authority to check the funding of an organisation. Points 2.a. and 2.b. for initial application seem to be reasonable and so does the point 3. But point 2.c. is questionable for the above mentioned reasons.

Proposition:  
Delete 2.c.

comment

625

comment by: *Heli Gotthard*

2.c. Financial resources may not only be raised through banks, there are a number of other possibilities. Furthermore, banks may withdraw their statements at very short notice and it will be very difficult for the authorities to have an overview of the financial resources of a medium to large organisation. As we all know, there are quite a few rules to be followed for any kind company and these rules are enforced on a yearly or even quarterly basis. Therefore, it does not make sense for even another authority to check the funding of an organisation. Points 2.a. and 2.b. for initial application seem to be reasonable and so does the point 3. But point 2.c. is questionable for the above mentioned reasons.

Proposition:  
Delete 2.c.

comment

648

comment by: *Air Grischia Helikopter AG*

2.c. Financial resources may not only be raised through banks, there are a number of other possibilities. Furthermore, banks may withdraw their statements at very short notice and it will be very difficult for the authorities to have an overview of the financial resources of a medium to large organisation. As we all know, there are quite a few rules to be followed for any kind company and these rules are enforced on a yearly or even quarterly basis. Therefore, it does not make sense for even another authority to check the funding of an organisation. Points 2.a. and 2.b. for initial application seem to be reasonable and so does the point 3. But point 2.c. is questionable for the above mentioned reasons.

Proposition:  
Delete 2.c.

comment

672

comment by: *Berner Oberländer Helikopter AG BOHAG*

2.c. Financial resources may not only be raised through banks, there are a number of other possibilities. Furthermore, banks may withdraw their statements at very short notice and it will be very difficult for the authorities to have an overview of the financial resources of a medium to large organisation. As we all know, there are quite a few rules to be followed for any kind company and these rules are enforced on a yearly or even quarterly basis. Therefore, it does not make sense for even another authority to check the funding of an organisation. Points 2.a. and 2.b. for initial application seem to be reasonable and so does the point 3. But point 2.c. is questionable for the above mentioned reasons.

Proposition:  
Delete 2.c.

comment

713

comment by: *Stefan Huber*

2.c. Financial resources may not only be raised through banks, there are a number of other possibilities. Furthermore, banks may withdraw their statements at very short notice and it will be very difficult for the authorities to have an overview of the financial resources of a medium to large organisation. As we all know, there are quite a few rules to be followed for any kind company and these rules are enforced on a yearly or even quarterly basis. Therefore, it does not make sense for even another authority to check the funding of an organisation. Points 2.a. and 2.b. for initial application seem to be reasonable and so does the point 3. But point 2.c. is questionable for the above mentioned reasons.

Proposition:  
Delete 2.c.

comment

728

comment by: *Maarten*

2.c. I don't quite understand what a "financial statement" has to do with flying training. In a flying club (non-profit) the cost is divided over all the members/pilots. Those who take flying lessons assume the cost of their flying lessons. It will give a flying club extra costs to ask their bank (who will charge at least 200 or more euro's) for a piece of paper with a null statement on a non-profit organisation. (if we see the quality of banks and financial rating companies, I can then only advise to stop right away all flying!!).  
2.b. Why this? Too complicated and too much paperwork that has nothing to do with flying. If flying clubs are not able to assume the financial cost of training, no one else except members will pay, so no plane will go in the air. Please scrap.

comment

793

comment by: *AEA***Comment:**

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

**Proposal:**

Add provisions for ATO linked with, or part of, an airline

comment

1048

comment by: *European Gliding Union (EGU)*

AMC OR.ATO.010 (b) Legal entity & financial resources

This AMC again is only applicable to commercial organisations. NPO are unable to follow this set of AMC.

We propose to delete these items when related to non profit organisations.

comment

1091

comment by: *EUROPEAN GLIDING UNION*

AMC OR.ATO.010 (b) Legal & financial resources

All requirements in regard to the financial situation of an ATO are clearly written with commercial organisations in mind. In a club or federation

environment these requirements are simply not possible, nor appropriate.

Proposal.

Delete these items where related to not-for-profit organisations.  
Please see our comment under OR.ATO.010.

comment 1186 comment by: *Danish Balloon Organisation*

**AMC to OR.ATO.010(b)**

We suggest that the AMC be amended as follows:

**AMC to OR.ATO.010(b) Legal entity and financial resources**  
FINANCIAL RESOURCES – APPROVED TRAINING ORGANISATION

New item added as follows:

**4. In the case of organisations run by national aeroclub associations for members only the requirements listed in (1-3) above are not applicable.**

Justification: Items mentioned under (1-3) in AMC 2 to OR ATO.010(b). should not be required for national aeroclub associations.

comment 1188 comment by: *Royal Swedish Aeroclub*

The financial requirements are unsuitable for small ATOs as those run by flying clubs. In Sweden a large number of these flying schools (ATOs) are directly affiliated to or owned by the local aero clubs. Some of those may be quite small. This is especially true for less densely populated areas. If these rules are introduced, a very large number of our flying schools (ATOs) will have to cease operation and new schools (ATOs) are unlikely to be established.

comment 1280 comment by: *Swiss International Airlines / Bruno Pfister*

Comment:

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

Proposal:

Add provisions for ATO linked with, or part of, an airline

comment 1460 comment by: *KLM*

**Comment:**

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

**Proposal:**

Add provisions for ATO linked with, or part of, an airline

comment

1481

comment by: *TAP Portugal*

B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.010(b) Legal entity and financial resources

**Comment:**

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

**Proposal:**

Add provisions for ATO linked with, or part of, an airline

comment

1575

comment by: *Deutsche Lufthansa AG*

**Comment:**

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

**Proposal:**

Add provisions for ATO linked with, or part of, an airline

comment

1611

comment by: *bmi*

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

**Proposal :**

Add provisions for ATO linked with or part of an airline

comment

1623

comment by: *Graham HALLETT*

AMC to OR.ATO010(b)

Para 2c.

Whilst this may be deemed necessary for the conventional aeroplane flying school, it is entirely unnecessary for an organisation which does not own its own aircraft or facilities, does not operate from airfields and which is run by mostly volunteer, non-remunerated, staff. The organisation of many training organisations for Ballooning will fall into this category.

In this paragraph of the AMC, the AMC appears much more restrictive than the proposed regulation itself.

To allow the appropriate flexibility in this paragraph to meet the requirements

of proportionality of regulation, I propose paragraph 2c could be prefaced with the words:

**If required by the competent Authority, in order to amplify and justify the statements required in the paragraph above**, the plan submitted

.....

This would allow the competent Authorities to request this information if they deemed it necessary, but if the financial details provided were adequate would not be required.

comment

1702

comment by: *Fédération Française Aéronautique*

All the rules of this AMC are completely inappropriate and unrealistic for "Very small" (see our proposed definition in the FFA comment on NPA page 1 above) and "Small ATOs", which should be excluded from this AMC.

Consequently, FFA asks to modify the title in order the AMC only applies to "Other ATOs".

comment

1720

comment by: *Baden-Württembergischer Luftfahrtverband*

AMC to OR.ATO.010(b) 2.

**Wording in the NPA**

2. Application for initial approval.

Any application for initial approval should be supported by a plan, which includes at least the following information:

a. Training facilities and number of students Details, as appropriate, of:

- the number and types of training aircraft that will be used;
- the number of flight and ground instructors that will be employed;
- the number of classrooms and other types of training facilities (synthetic training devices, etc.) intended for use;
- the supporting infrastructure (staff offices, operations room, briefing rooms, rest rooms, hangars, etc.); and
- planned number of students (by month and course).

b. Financial Details

- capital expenditure necessary to provide the planned facilities;
- costs associated with running each of the courses for which approval is sought;
- income forecasts;
- a forecast financial operating statement for the business for which approval is sought; and
- of any other financial trading arrangement on which the viability of the approved training organisation may be dependent.

**Our proposal**

**Change:**

2. Application for initial approval.

Any application for initial approval should be supported by a plan, which includes ~~<delete: at least>~~ the following information **as applicable** :

a. Training facilities and number of students Details, as appropriate, of:

- the number and types of training aircraft that will be used;
- the number of flight and ground instructors ~~<delete: that will be employed>~~;
- the number of classrooms and other types of training facilities (synthetic training devices, etc.) intended for use;
- the supporting infrastructure (staff offices, operations room, briefing rooms, rest rooms, hangars, etc.); and

– planned number of students (by month and course).

b. Financial Details **in case of commercial operations**

.....

**Issue with current wording**

This is not appropriate for flying clubs where training is offered as needed and the financial basis is provided by the club members

**Rationale**

For non commercial ATOs typically operated by clubs a plan as defined above is not appropriate.

- There are no employed instructors. Instructors volunteer their service.
- There is no planned number of students. Training is provided as required by the members
- Training is usually provided free of charge without any commercial goal. The requested information regarding the financial details is not applicable.

comment

1758

comment by: *Norwegian Air Sports Federation*

The requirements are written for a commercial ATO.

Proposal: Delete these requirements for non profit organisations based on membership.

comment

1900

comment by: *International Air Transport Association (IATA)*

**Comment:**

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

**Proposal:**

Add provisions for ATO linked with, or part of, an airline

comment

1948

comment by: *AIR FRANCE*

**Comment:**

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

**Proposal:**

Add provisions for ATO linked with, or part of, an airline.

comment

2236

comment by: *Icelandair*

**Comment:**

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for

the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

**Proposal:**

Add provisions for ATO linked with, or part of, an airline

comment

2248

comment by: *Virgin Atlantic Airways*

Comment:

Within some organisations, the ATO is part of the larger organization and a separate financial statement will not always be available.

Proposal:

Add provisions for ATO linked with, or part of, an airline

comment

2307

comment by: *Deutscher Aero Club Landesverband Niedersachsen*

**Wording in the NPA**

2. Application for initial approval.

Any application for initial approval should be supported by a plan, which includes at least the following information:

a. Training facilities and number of students Details, as appropriate, of:

- the number and types of training aircraft that will be used;
- the number of flight and ground instructors that will be employed;
- the number of classrooms and other types of training facilities (synthetic training devices, etc.) intended for use;
- the supporting infrastructure (staff offices, operations room, briefing rooms, rest rooms, hangars, etc.); and
- planned number of students (by month and course).

b. Financial Details

- capital expenditure necessary to provide the planned facilities;
- costs associated with running each of the courses for which approval is sought;
- income forecasts;
- a forecast financial operating statement for the business for which approval is sought; and
- of any other financial trading arrangement on which the viability of the approved training organisation may be dependent.

**Our proposal**

2. Application for initial approval.

Any application for initial approval should be supported by a plan, which includes ~~<delete: at least>~~ the following information **as applicable** :

a. Training facilities and number of students Details, as appropriate, of:

- the number and types of training aircraft that will be used;
- the number of flight and ground instructors ~~<delete: that will be employed>~~;
- the number of classrooms and other types of training facilities (synthetic training devices, etc.) intended for use;
- the supporting infrastructure (staff offices, operations room, briefing rooms, rest rooms, hangars, etc.); and
- planned number of students (by month and course).

b. Financial Details **in case of commercial operations**

.....

**Issue with current wording**

This is not appropriate for flying clubs where training is offered as needed and the financial basis is provided by the club members without any profit orientation.

**Rationale**

For non commercial ATOs typically operated by clubs a plan as defined above is not appropriate.

Ø There are no employed instructors. Instructors are working voluntarily.

Ø There is no planned number of students and training is provided as required by the members.

Training is usually provided free of charge without any commercial goal. The requested information regarding the financial details is not applicable.

comment 2347

comment by: *Europe Air Sports PM*

AMC OR.ATO.010 (b) Legal & financial resources

All requirements in regard to the financial situation of an ATO are clearly written with commercial organisations in mind. In a club or federation environment these requirements are simply not possible, nor appropriate.

Proposal.

Delete these items where related to not-for-profit organisations.

Please see our comment under OR.ATO.010.

comment 2351

comment by: *Swiss Power Flight Union*

For non-commercial and club-based ATO's:

The AMC to OR.ATO.010 (b) is too complicated for non-commercial and club-based ATO's.

Add the remark: AMC to OR.ATO.010 (b) is not mandatory for non-commercial and club-based ATO's.

comment 2386

comment by: *FINNAIR*

Within some (big) organisations, the ATO is part of a larger organization. A financial statement signed by the banker or auditor is normally not given for the ATO separately, but for the whole organisation as such. As these ATO's normally only train their own flight crew (who don't have to pay for the training) a separate financial statement is superfluous and unnecessary expensive.

Proposal :

Add provisions for ATO linked with or part of an airline

comment 2453

comment by: *Aéro.Sport asbl. Luxembourg*

Our proposal:

- the number of flight and ground instructors.

Reason: "that will be employed" is not applicable to volunteers

Our proposal:

- planned number of students (by month – and/or course – and/or year)  
Reason: small and non-commercial ATO's are very often offering only one theoretical course per year.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.015 Application**

p. 41

comment 62 comment by: *George Knight*  
Proposed alternative form for small ATOs suggested in attachment.

comment 74 comment by: *British Gliding Association*  
Item 11 - aircraft registration.  
  
Sailplane ownership is constantly changing as the market evolves and needs change. There is no known reason why the approval would need to list the registration of aircraft used by the ATO.  
  
Proposal. Remove the requirement to list the registration of aircraft used in the ATO.

comment 135 comment by: *DCA Malta*  
AMC to OR.ATO.015  
Add date  
Add insurance  
Add organisation manual

comment 302 comment by: *Susana Nogueira*  
Add a line for:  
  
Date  
Insurance document  
Organization manual

comment 363 comment by: *Egon Schmaus*  
AMC to OR.ATO.015 Application  
  
3. add: "volunteer"

comment 534 comment by: *UK CAA*  
**Page No:**  
Page 41 of 83  
  
**Paragraph No:** AMC to OR.ATO.015  
  
**Comment:**  
Item 10 on the application should include FNPT III (Helicopters)  
  
**Justification:**  
Completeness  
  
**Proposed Text (if applicable):**

Add reference to FNPT III

comment 814 comment by: *Light Aircraft Association UK*

It needs to be clear that the registrations of aircraft entered on the form are at initial application only and that the approval does not need to be modified each time a new aircraft is acquired if it is of the same type.

comment 1010 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Organisation number of the Training Organisation is missing

Proposal:

Add organisation number, when available, in both places, (a) (1) (i) and in box no: 1

comment 1094 comment by: *EUROPEAN GLIDING UNION*

AMC to OR.ATO.015 Application

The sailplane market is constantly developing. Sailplanes move constantly between clubs and between member states either through sale, new purchase or inter-club loan arrangements. There is no known reason why the approval would need to list the registration of aircraft used by the ATO. There is no safety case presented for this bureaucratic requirement, which would simply provide the NAAs with an excuse to charge money for every notifiable change to the glider fleet in an ATO. The gliders used in a training organisation are subject to EASA Part 21 and Part M rules; there is no need for additional bureaucracy in Part ATO.

Proposal.

Remove the requirement to list the registrations of aircraft used by the ATO.

comment 1136 comment by: *CAA Belgium*

Add:

- Date
- Insurance documents
- Organisation manual

comment 1205 comment by: *DCAA*

Add;

- Date
- Insurance documents
- Organisation manual

comment 1289 comment by: *Irish Aviation Authority*

For completeness, the form should also contain:

- Date
- Insurance information
- Manuals

DCr 270509

comment 1668 comment by: CAA CZ

AMC to OR.ATO.015, page 41

We would like to add **organisation m anual** to the 12th row according to OR.GEN.200 (a)(6) (see page 7):  
12. (e)

comment 1669 comment by: CAA CZ

AMC to OR.ATO.015, page 41

The date of signature should be added beside the signature of the application in the application for approval of a training organization:

**(Date)**                      (Signature)

comment 1703 comment by: Fédération Française Aéronautique

FFA draws the attention that in a "Very small" and "Small" organisation, the functions listed under lines 3 to 5 can be performed by one person.  
So the FFA asks that this information will be added.

comment 1704 comment by: Fédération Française Aéronautique

FFA requests to delete line 7 concerning "Aerodromes to be used", which is over-prescriptive and with no added value.  
FFA asks changing with the name of the main base aerodrome only.

comment 1705 comment by: Fédération Française Aéronautique

FFA draws the attention that in a "Very small" (see our proposed definition in the FFA comment on NPA page 1 above, namely, ATOs for basic LPL, LPL and PPL only) and "Small organisation", the rooms listed under lines 8 and 9 can be one room.

So the FFA asks that this information will be added.

comment 1706 comment by: Fédération Française Aéronautique

Generally speaking, FFA asks for a simplified form and a simplified approval procedure for "Very small training organisation" (see our proposed definition in the FFA comment on page 1 above, namely, ATOs for basic LPL, LPL and PPL only), and "Small training organisation". Present proposed approval procedure for the wrongly defined "Small organisation" is not adapted and actually impossible to implement for what the FFA call a "Very Small training organisation" (mainly non commercial, non profit organisation).

comment 1721 comment by: Baden-Württembergischer Luftfahrtverband

AMC to OR.ATO.015 3.

**Wording in the NPA**

3. Name of Head of Training, type and number of licence, full/part time

**Our proposal**

Change:

3. Name(s) of Head(s) of Training, type and number of licence, responsibility full/part time

**Issue with current wording**

There should be a provision for at least 2 levels of head of training, an overall head of training and head of training for different types of aircraft.

**Rationale**

Multiple head of training should be mentioned if all of them should have the competency to communicate with the competent authority e.g. to register students.

comment

1722

comment by: *Baden-Württembergischer Luftfahrtverband*

AMC to OR.ATO.015 3.

**Wording in the NPA**

3. Name of Head of Training type and number of licence full/part time

**Our proposal**

Change:

3. Name of Head of Training type and number of licence full/part time/volunteer

**Issue with current wording**

Apart from full/part time there should also be the option "volunteer"

**Rationale**

Non profit ATO typically do not have employed instructors but volunteers instead for which the description full/part time does not apply.

comment

1723

comment by: *Baden-Württembergischer Luftfahrtverband*

AMC to OR.ATO.015 4.

**Wording in the NPA**

Name of Chief Flight Instructor

**Our proposal**

Name of Chief Flight Instructor(s)

**Issue with current wording**

There may be multiple chief instructors for different categories of aircraft

**Rationale**

In case of multiple categories of aircraft there may be the need for multiple chief instructors e.g. one for sailplane instruction and one for SEP instruction.

comment

1724

comment by: *Baden-Württembergischer Luftfahrtverband*

AMC to OR.ATO.015 12.

**Wording in the NPA**

Proposed administration and Manuals :

(submit with application )

- (a) course programmes
- (b) training records
- (c) operations manual
- (d) training manual

**Our proposal**

Proposed administration and Manuals :

(submit with application )

- (a) course programmes
- (b) training records
- (c) operations manual (not for PPL, LPL,SPL only instruction)
- (d) training manual (not for PPL, LPL,SPL only instruction)

**Issue with current wording**

For PPL, LPL,SPL only ATO a) and b) are sufficient. c. and d. are not needed. This should be mentioned here

**Rationale**

According to OR.ATO.015 For PPL, LPL,SPL only ATO a) and b) are sufficient. For clarity this should be mentioned here.

comment

1759

comment by: *Norwegian Air Sports Federation*

In the Application form we can not see the need for aircraft registration. Type of aircraft should be enough

comment

2147

comment by: *CAA Norway*

AMC OR.ATO.015

The application form for ATO approval should also include:

- Date of application
- Insurance arrangements made
- Maintenance arrangements made
- Arrangements made with aerodrome owner/operator, and ATC, if applicable

comment

2258

comment by: *CAA Finland*

Amend. See my comment 2155.

11.  
IFR equipped  
**Insurances**

comment

2259

comment by: *CAA Finland*

Amend. Date of application is missing.

**(Date)** (Signature)

comment 2310 comment by: *Deutscher Aero Club Landesverband Niedersachsen*

**Our proposal**

3. Name(s) of Head(s) of Training, type and number of licence, responsibility full/part time

**Issue with current wording**

There should be a provision for at least 2 levels of head of training, an overall head of training and head of training for different types of aircraft.

comment 2311 comment by: *Deutscher Aero Club Landesverband Niedersachsen*

**Wording in the NPA**

Name of Chief Flight Instructor

**Our proposal**

Name of Chief Flight Instructor(s)

**Issue with current wording**

There may be multiple chief instructors for different categories of aircraft

comment 2312 comment by: *Deutscher Aero Club Landesverband Niedersachsen*

Bullet 12 of the table

**Issue with current wording**

For PPL, LPL,SPL only ATO a) and b) are sufficient. C. and d. are not needed. This should be mentioned here

**Rationale**

According to OR.ATO.015 For PPL, LPL,SPL only ATO a) and b) are sufficient. For clarity this should be mentioned here.

comment 2349 comment by: *Europe Air Sports PM*

AMC to OR.ATO.015 Application

Aircraft used in air sports clubs move constantly between clubs and between member states either through sale, new purchase or inter-club loan arrangements. There is no known reason why the ATO approval would need to list the registration of aircraft used by the ATO. There is no safety case presented for this bureaucratic requirement, which would simply provide the NAAs with an excuse to charge money for every notifiable change to the aircraft fleet in an ATO. The aircraft used in a training organisation are subject to EASA Part 21 and Part M rules; there is no need for additional bureaucracy in Part ATO.

Proposal.

Remove the requirement to list the registrations of aircraft used by the ATO.

comment 2418 comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

The application form proposed in this AMC is to complicate and unrealistic for Small non commercial, non profit training organisation.  
EPFU requests a simplified and "light" version of this form for that category of small organisations.

comment 2423 comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU remarks that the functions listed lines 3, 4 and 5 of the proposed form can be one person only and thinks that this information must be added.

comment 2431 comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU points out that rooms facilities listed line 8 and 9 in the proposed form can be a single room in Small non commercial, non profit training organisation, and that this information must be added.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.110 Personnel requirements – flight simulation training instructors**

p. 42

comment 241 comment by: *ECA- European Cockpit Association*

Comment:  
This AMC should be deleted or transferred to IR.

Justification:  
It is in conflict with Part-FCL, section J provisions. This is NOT compatible with the provisions of FCL.900 and followers, (NPA 2008-17b page 45), where the privileges of instructors are at IR level.

comment 379 comment by: *OAA Oxford*

3. Instructors holding an MCCI(A) certificate may provide MCC training on an FNPTII.  
Recommendation: add 'or MCCI(A)' before certificate

comment 535 comment by: *UK CAA*

**Page No:**  
42 of 83

**Paragraph No:** AMC to OR.ATO.110

**Comment:** This whole AMC seems superfluous. The requirements for and privileges of instructor certificates are clearly laid down in Part FCL and do not need re-stating here. In any case, sub-paragraph 2 is incorrect as no mention is made of IRI(H), TRI(SPH), STI(H) or MCCI(H).

comment 794 comment by: *AEA*

**Comment:**  
These elements are in Part FCL.

**Proposal:**  
Delete the AMC

comment 1001 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**  
A CPL never expires, only the ratings. The text should be the same as for Head of Training.

**Proposal:**  
Amend point 1: 1. Instructors providing training on an FTD and an FNPT I should have instructional experience appropriate to the training courses they are to conduct and hold or have held for the preceding 3 years a professional pilot licence and associated ratings prior to the first appointment.

comment 1281 comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:**  
These elements are in Part FCL.

**Proposal:**  
Delete the AMc

comment 1464 comment by: *KLM*

**Comment:**  
These elements are in Part FCL.

**Proposal:**  
Delete the AMC

comment 1482 comment by: *TAP Portugal*

B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.110 Personnel requirements – flight simulation training instructors

**Comment:**  
These elements are in Part FCL.

**Proposal:**  
Delete the AMC

comment 1576 comment by: *Deutsche Lufthansa AG*

**Comment:**  
These elements are in Part FCL. Do not duplicate rules. Under no circumstances. Never.

**Proposal:**

Delete the AMC

comment

1612

comment by: *bmi*

These elements are in Part FCL.

**Proposal:**

Delete the AMC

comment

1670

comment by: *CAA CZ*

AMC to OR.ATO.110, para 2., page 42

2. Instructors providing flight training on a FFS and/or FNPT II, ~~±~~ should hold a FI(A), FI(H), IRI(A), TRI(A), TRI(MPH), CRI(A), STI(A), SFI(A), SFI(H) or MCCI(A) certificate relevant to the course.

IRI(H), TRI(H), STI(H) (MCCI(H)) is missing.

comment

1902

comment by: *International Air Transport Association (IATA)***Comment:**

These elements are in Part FCL.

**Proposal:**

Delete the AMC

comment

1950

comment by: *AIR FRANCE***Comment:**

These elements are in Part FCL.

**Proposal:**

Delete the AMC

comment

1958

comment by: *AIR FRANCE***Comment:**

The first part of items states that only people holding or having held a professional pilot licence can be instructors on FTD or FNPT 1. This scope excludes instructors without professional licence (valid or not), without any regards concerning their experience as instructors on such devices.

**Proposal:**

Instructors on FTD or FNPT 1 (who never held professional pilot licence before), with recent experience of 3 years as instructors on such devices, should allow to keep on instruction on FTD and FNPT1 .

comment

2100

comment by: *ERA*

Delete AMC as these elements are in Part FCL.

comment

2237

comment by: *Icelandair***Comment:**

These elements are in Part FCL.

**Proposal:**  
Delete the AMC

comment

2387

comment by: *FINNAIR*

These elements are in Part FCL.  
**Proposal:**  
Delete the AMC

comment

2395

comment by: *FlightSafety International*

1. Instructors providing training on a FTD and a FNPT I should have instructional experience appropriate to the training courses they are to conduct and hold or have held a professional pilot license (issued by a EASA member state or a non EASA license acceptable to the Authority) prior to the first appointment.  
2. Instructors providing flight training on a FFS and/or FNPT II, should hold the license, rating and qualification for which instruction is being given.  
3. Instructors providing multi-pilot type rating and/or MCC flight training on a FFS and FTD and FNPT II/III, should hold a professional pilot license, have at least 1,500 hours as pilot of Multi-pilot airplanes, have completed in a FTD or FNPT II/III an approved course have conducted at least 3 hours of instruction on the approved course."

Right now FCL 1.310, 1.410, 1.417 just requires the license, rating and qualification for which instruction is being given. The way the NPA is currently written, it required an instructor to have a professional license for 3 years and sounds like they must have an EASA license with the particular EASA instructor rating.

1. Remove the 3 year requirement.
2. [remove: FI(A), FI(H), IRI(A), TRI(A), TRI(MPH), CRI(A), STI(A), SFI(A), SFI(H) or MCCI(A) certificate relevant to the course.]
3. [remove: TRI(A), TRI(MPH), SFI(A) or SFI(H) certificate.]

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC 1 to OR.ATO.125 Training programme**

p. 42

comment

448

comment by: *FlightSafety International***Comment**

The statement concerning phasing of theoretical knowledge instruction and synthetic flight training does not allow for the occasions when an FSTD session may have to be scheduled prior to a theoretical knowledge instruction session.

**Proposal**

Change the requirement to state: "When practical, theoretical knowledge instruction should take place prior to synthetic flight training."

**Impact to FlightSafety**

The requirement to phase training in such a way that theoretical knowledge takes place before synthetic flight training would remove the flexibility in arranging training schedules to take maximum advantage of customer

requirements, FSTD availability, and instructor availability. This would place an enormous burden on operators and customers alike.

comment 608 comment by: *Heliswiss AG, Belp*

Details about training programmes should be set in the according FCL sections  
- avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 626 comment by: *Heli Gotthard*

Details about training programmes should be set in the according FCL sections  
- avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 649 comment by: *Air Grischa Helikopter AG*

Details about training programmes should be set in the according FCL sections  
- avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 673 comment by: *Berner Oberländer Helikopter AG BOHAG*

Details about training programmes should be set in the according FCL sections  
- avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 714 comment by: *Stefan Huber*

Details about training programmes should be set in the according FCL sections  
- avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC 2 to OR.ATO.125 Training programme – type rating courses - aeroplanes** p. 42-46

comment 5 comment by: *Marduc Aeronautical Consults*

10.2 to add the definition of aeroplane complexity, suggesting :  
all twin-turbine and twin-jet should be considered to receive a minimum of 32hrs FSTD training

comment 13 comment by: Ryanair

**Comment**

The wording in this section specifies "written" as the means of completing the test. This could be interpreted literally which would exclude a computerised system of delivering, taking and recording the result of an exam. Such a system is in use today having been approved by the IAA.

**Proposal**

9.2 The final theoretical knowledge examination should cover all areas of the theoretical knowledge syllabus. The final examination should be conducted as a supervised written or computer based knowledge test without reference to course material. The pass mark of 75% assumes the achievement of satisfactory levels of knowledge during the progressive phase tests of the course. The student should be advised of any areas of lack of knowledge displayed during the examination and, if necessary, given remedial instruction.

comment 240 comment by: ECA- European Cockpit Association

Comment: this section should be transferred to IR.

Justification:

This is the old Appendix to JAR-FCL 1.261, which dealt with the type rating courses. All other courses are in FCL as IR, and this one is left in AMC and in Organizational requirements, therefore to the discretion of the operators. This requirement should not be left at the discretion of the operators.

comment 242 comment by: ECA- European Cockpit Association

Comment: change text as follows:

1. Introduction.

1.1 A type rating course should, as far as possible, provide for a continuous process of ground, FSTD and flight training to enable the student to assimilate the knowledge and skills required to operate a specific aircraft type safely and efficiently. The student's ability to do this should be determined by the demonstration of a satisfactory level of theoretical knowledge of the aircraft determined by progressive checking of knowledge and examination, progressive assessment by the approved training organisation during flying training and the successful completion of a practical skill test with an examiner.

**~~There should be no difference in the level of knowledge or competency required of the student, irrespective of the intended role of the student as pilot in command, co-pilot or flight engineer member of the flight crew.~~**

Justification:

The pilots should not be required to have exactly the same level of knowledge as flight engineers.

comment 243 comment by: ECA- European Cockpit Association

ECA requests clarification about the paragraph on subcontracting in this article. Is there a transfer of responsibility to the contractor? Or is this only an administrative procedure ? What are the changes compared to the present situation? In which cases this article applies, only to the ones in the AMC/GM

or are there any other cases the contractor may like to subcontract?

comment

244

comment by: ECA- European Cockpit Association

Comment: delete paragraph 7.1 and replace with AMC 3 OR.ATO.125, paragraph 8:

~~7.1 CBT provides a valuable source of theoretical instruction, enabling the student to progress at his own pace within specified time limits. Many such systems ensure that syllabus subjects are fully covered and progress can be denied until a satisfactory assimilation of knowledge has been demonstrated. Such systems may allow selfstudy or distance learning, if they incorporate adequate knowledge testing procedures. When CBT is used as part of the theoretical knowledge instruction phase, the student should also have access to a suitably qualified instructor able to assist with areas of difficulty for the student. Where CBT aids are used as a training tool, the organisation should ensure that a fully qualified ground instructor is available at all times when such equipment is being used by course students. Other than for revision periods, CBT lessons should be briefed and debriefed by a qualified ground instructor.~~

Justification:

The previous version contained unuseful controversial statements.  
The helicopter version is clear enough.

comment

245

comment by: ECA- European Cockpit Association

Comment on paragraph 8:

8.1 Elements of the theoretical knowledge syllabus may be adequately addressed by distance learning, if approved, or selfstudy, particularly when utilising CBT. Progress testing, either by self-assessed or instructor-evaluated means should be included in any self-study programme. If self-study or distance learning is included in the theoretical knowledge training, the course should also provide for an adequate period of supervised consolidation and knowledge testing prior to the commencement of flight training.

Justification:

E learning is known as immediate learning that will request a sedimentation period. Therefore it would be wise to extend the knowledge supervision also during the flight training period.

comment

246

comment by: ECA- European Cockpit Association

Comment: change paragraph 10.2 as follows:

10.2 The amount of training required when using FSTDs will depend on the complexity of the aeroplane concerned, and to some extent on the previous experience of the pilot. Except for those courses giving credit for previous experience (para 3.2), a minimum of 32 hours FSTD training should be programmed for a crew of a multipilot aeroplane, of which at least 16 hours should be in a Full Flight Simulator operating as a crew. ~~Full Flight Simulator time may be reduced if other qualified FSTDs used during the flight training programme accurately replicate the cockpit environment, operation and aeroplane response. Such FSTDs may typically include FMC training devices using hardware and computer programmes~~

~~identical to those of the aeroplane, or type specific FNPT IIs.~~

Justification:

The use of full flight simulation is to be the closer replique of real operation including the flight handling. The fidelity of the cockpit should not lead to a FFS time reduction

comment 303

comment by: *Susana Nogueira*

Las line of paragraph 1.1 Delete **Flight Engineer**

Is not matter of this regulation

comment 374

comment by: *Aero-Club of Switzerland*

Page 43, "Ground training" is misleading! Please change this title to

- Procedures training, or
- Familiarization, or
- Aircraft systems training and emergencies.

Justification: "Ground training" is misleading, it is not the ground that is trained, "ground operations" are not touched as well. What you propose as "ground training" is nothing else than flight instruction given on ground, for obvious reasons.

comment 375

comment by: *Aero-Club of Switzerland*

Page 44, "Flight Training" is misleading: Not "flight training is treated in this paragraph, FSTD are the topic. Please adapt this title, or, at least, propose a clear differentiation between "flight training", "FSTD", "ZFTT" and "12. Aeroplane without Full Flight Simulator".

Justification: In the Agency's proposal too much is under the same title.

comment 449

comment by: *FlightSafety International*

**Comment**

The statement in 10.1 regarding FSTD's providing the most effective training is editorial opinion.

**Proposal**

Remove section 10.1 as it states opinion and does not provide factual evidence or state or clarify a requirement.

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be.

comment 450

comment by: *FlightSafety International*

**Comment**

In Section 12.2 the statement "It is widely accepted that" is editorial opinion.

**Proposal**

At the beginning of the sentence, remove the words "It is widely accepted that"

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be.

comment

536

comment by: UK CAA

**Page No:**

44 of 83

**Paragraph No:** AMC 2 to OR.ATO.125**Comment:** See UK CAA comment to OR.ATO.400.

comment

609

comment by: Heliswiss AG, Belp

Details about training programmes should be set in the according FCL sections - avoid duplicity!!!!!!

Proposition:

Move this AMC to the according FCL AMC

comment

627

comment by: Heli Gotthard

Details about training programmes should be set in the according FCL sections - avoid duplicity!!!!!!

Proposition:

Move this AMC to the according FCL AMC

comment

650

comment by: Air Grischa Helikopter AG

Details about training programmes should be set in the according FCL sections - avoid duplicity!!!!!!

Proposition:

Move this AMC to the according FCL AMC

comment

674

comment by: Berner Oberländer Helikopter AG BOHAG

Details about training programmes should be set in the according FCL sections - avoid duplicity!!!!!!

Proposition:

Move this AMC to the according FCL AMC

comment

715

comment by: Stefan Huber

Details about training programmes should be set in the according FCL sections  
- avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment

797

comment by: AEA

**Comment:**

Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.

Paragraph 3.1 interferes with Part 21

**Proposal:**

Delete all the paragraphs of the AMC except 3.2 and 3.3

comment

798

comment by: AEA

**Relevant text**

in paragraph 8.1 Self Study Distance Training  
"prior to commencement of flight training"

**Comment:**

"prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted. The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.

**Proposal:**

Delete § 8.1

comment

894

comment by: Boeing

*AMC 2 to OR.ATO.125*

*Para 9.3*

*Page 44*

A successful pass of a theoretical knowledge course and final examination should be a prerequisite for progression to the Skill Test only.

**JUSTIFICATION:** There is no safety case for not progressing to the flight training phase, and it has been proven to solidify the ground training phase.

comment

895

comment by: Boeing

*AMC 2 to OR.ATO.125*

*Para 10.2*

*page 44*

The minimum course requirements will be defined by the manufacturer or ATO [via the new Operational Suitability Certificate (OSC) or supplemental OSC]. We maintain that the minimum training in an FFS should not be less than 16.0 hours for multi-pilot aeroplanes and 10.0 hours for single pilot aeroplanes.

**JUSTIFICATION:** There is no safety justification to a minimum flight training

course requirement without consideration of the complexity of the aircraft or the experience of the pilot being trained. This should be defined via the OSC, based on an evaluation of the specific aircraft requirements.

comment

896

comment by: Boeing

AMC 2 to OR.ATO.125  
Para 11.1  
page 45

Remove the text, "provided it does not exceed 2 hours of the flight training course," from the last sentence of the paragraph.

**JUSTIFICATION:** There is no safety reason to limit this exercise to 2 hours or less.

comment

897

comment by: Boeing

AMC 2 to OR.ATO.125  
Para 14.  
page 46

We suggest adding the text as per JAR-FCL 1.261(c)(2), Appendix 1, paragraph 14, to include the ability to issue the Course Completion Certificate before the landings are completed in the aircraft.

**JUSTIFICATION:** Many ATOs do not have aircraft and much of this is contracted by the pilot taking the training using a third party aircraft and instructor.

comment

995

comment by: Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)**Comment:**

An FNPT II is not type specific. If an FSTD is type specific it is an FTD or an FFS.

Proposal:

Delete the last part of the last sentence as follows:

Such FSTDs may typically include FMC training devices using hardware and computer programmes identical to those of the aeroplane, ~~or type specific FNPT IIs~~

comment

1116

comment by: ECA- European Cockpit Association

Comment: add the following sentence at the end of paragraph 1.2.:

1.2 A type rating course should normally be conducted as a single, fulltime course of study and training. However, in the situation where the course is intended to enable a pilot to fly a further aircraft type while continuing to fly a current type, such as to enable mixed fleet flying with the same operator, some elements of the theoretical knowledge course conducted by self study may be undertaken while the student continues to fly the current type.

**This overlap shall be strictly limited to the strict minimum required to fulfil the self study, and shall not include aspects where confusion is possible between the types.**

Justification :

Some CCQ aspects may be studied while flying the current aircraft (i.e special operations such as ETOPS) but it shall not be allowed to study technical or procedural items of the new aircraft while flying the current one.

comment 1283 comment by: *Swiss International Airlines / Bruno Pfister*

Comment:

Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.

Paragraph 3.1 interferes with Part 21

Proposal:

Delete all the paragraphs of the AMC except 3.2 and 3.3

comment 1284 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text**

in paragraph 8.1 Self Study Distance Training "prior to commencement of flight training"

**Comment:**

"prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted. The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.

**Proposal:**

Delete § 8.1

comment 1290 comment by: *Irish Aviation Authority*

Under 1.1 'flight engineer' is mentioned. It is understood from the guidance material that flight engineers are not to be covered by any of the implementing rules, but by National Legislation.

This reference should be removed.

DCr 270509

comment 1291 comment by: *Irish Aviation Authority*

Under 11.2 (c), this has evidently been lifted from JAR FCL and refers to one of the privileges of a Senior TRE. Senior TRE is mentioned in Part FCL.1025 (b)(3) but not in these rules. See also comments at AR.FCL.205, and AR.FCL.215.

DCr 270509

- comment 1465 comment by: KLM
- Comment:**  
 Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.  
 Paragraph 3.1 interferes with Part 21
- Proposal:**  
 Delete all the paragraphs of the AMC except 3.2 and 3.3
- 
- comment 1467 comment by: KLM
- Relevant text**  
 in paragraph 8.1 Self Study Distance Training  
 "prior to commencement of flight training"
- Comment:**  
 "prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted. The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.
- Proposal:**  
 Delete § 8.1
- 
- comment 1483 comment by: TAP Portugal
- B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC 2 to OR.ATO.125 Training programme – type rating courses - aeroplanes
- Comment:**  
 Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.  
 Paragraph 3.1 interferes with Part 21
- Proposal:**  
 Delete all the paragraphs of the AMC except 3.2 and 3.3
- 
- comment 1484 comment by: TAP Portugal
- B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC 2 to OR.ATO.125 Training programme – type rating courses - aeroplanes
- Relevant text**  
 in paragraph 8.1 Self Study Distance Training  
 "prior to commencement of flight training"
- Comment:**  
 "prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted. The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.

**Proposal:**  
Delete § 8.1

comment 1578

comment by: *Deutsche Lufthansa AG*

**Comment:**

Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.

Paragraph 3.1 interferes with Part 21

**Proposal:**

Delete all the paragraphs of the AMC except 3.2 and 3.3

comment 1580

comment by: *Deutsche Lufthansa AG*

**Relevant text**

in paragraph 8.1 Self Study Distance Training  
"prior to commencement of flight training"

**Comment:**

"prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted. The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.

**Proposal:**

Delete § 8.1

comment 1613

comment by: *bmi*

Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.

Paragraph 3.1 interferes with Part 21

**Proposal :**

Delete all the paragraphs of the AMC except 3.2 and 3.3

comment 1614

comment by: *bmi*

**Relevant text** in paragraph 8.1 Self Study Distance Training  
"prior to commencement of flight training"

**Comment:** "prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted.

The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.

Proposal: Delete § 8.1

comment 1737

comment by: *CAE*

AMC 2 to OR.ATO.125 (9.3) Page 44

A successful pass of theoretical knowledge course and final examination should be a pre-requisite for progression to the Skill Test only.

There is no safety case for not progressing to the flight training phase, and allowing a few simulator sessions prior to the theoretical knowledge exam has been proven to solidify the knowledge obtained during the ground training phase.

comment

1738

comment by: CAE

AMC2 to OR.ATO.125 10.2 page 44

The minimum course requirements will be defined by the manufacturer or ATO (via the OSC or supplemental OSC). The minimum training in an FSS should not be less than 16.0 hours for multi pilot aeroplanes and 10.0 hours for single pilot aeroplanes.

There is no safety justification to a minimum flight training course requirement without consideration for the complexity of the aircraft or the experience of the pilot being trained. This should be defined via the OSC based on an evaluation of the specific aircraft requirements.

comment

1740

comment by: CAE

AMC2 OR.ATO.125 (11.1) page 45

Remove "provided it does not exceed 2 hours of the flight training course."

There is no safety reason to limit this exercise to 2 hours or less.

comment

1741

comment by: CAE

AMC2 OR.ATO.125 (14) page 46

Add the wording as per JAR-FCL 1.261(c)(2) Appendix 1 Paragraph 14 to include the ability to issue the Course Completion Certificate before the landings are completed in the aircraft.

Many ATOs do not have aircraft and in most instances the required in-aircraft landings are conducted using a third party aircraft and instructor. There is no reason to change the way the requirement reads in the current version of JAR-FCL.

comment

1903

comment by: International Air Transport Association (IATA)

**Comment:**

Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.

Paragraph 3.1 interferes with Part 21

**Proposal:**

Delete all the paragraphs of the AMC except 3.2 and 3.3

comment 1904 comment by: *International Air Transport Association (IATA)*

**Relevant text**

in paragraph 8.1 Self Study Distance Training  
"prior to commencement of flight training"

**Comment:**

"prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted. The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.

**Proposal:**

Delete § 8.1

comment 1951 comment by: *AIR FRANCE*

**Comment:**

Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.

Paragraph 3.1 interferes with Part 21

**Proposal:**

Delete all the paragraphs of the AMC except 3.2 and 3.3

comment 1954 comment by: *AIR FRANCE*

**Relevant text**

in paragraph 8.1 Self Study Distance Training  
"prior to commencement of flight training"

**Comment:**

"prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted. The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.

**Proposal:**

Delete § 8.1

comment 2099 comment by: *Airbus*

**AMC 2 to OR.ATO.125, page 42, paragraphs 2.1 and 2.2:**

As regards familiarization and difference training, if NPA 2009-01 on Operational Suitability Certificate is adopted, the link with OSC should be established in paragraphs 2.1 and 2.2.

**Proposed wording:**

To add at the end of 2.1: " The familiarization training should be based on the one defined in the operational suitability Certificate issued under Part 21 when available".

To add at the end of 2.2: " The difference training should be based on the one

defined in the operational suitability Certificate issued under Part 21 when available”.

comment

2103

comment by: ERA

Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.

Paragraph 3.1 interferes with Part 21

comment

2112

comment by: Airbus

**AMC 2 to OR.ATO.125, page 43, paragraph 3.1:**

If NPA 2009.01 on Operational Suitability Certificate is adopted, the OSC shall also specify pre-requisites for entry to the type rating course. This should be reflected.

comment

2116

comment by: Airbus

**AMC 2 to OR.ATO.125, page 43, paragraph 3.2:**

if NPA 2009-01 on Operational Suitability Certificate is adopted, the link with OSC should be established for the pre-requisites for type rating with credits.

**Proposed wording:**

To add at the end of § 3.2:

“... the minimum level of experience and qualification required of the flight crew member *in accordance with the Operational Suitability Certificate issued under Part 21.*”

comment

2149

comment by: Airbus

**AMC 2 to OR.ATO.125, page 44, paragraph 10.2:**

If NPA 2009-1 on Operational Suitability Certificate is adopted, reference should be made to the OSC when mentioning courses giving credit for previous experience.

**Proposed wording:**

“...Except for those courses giving credit for previous experience *as defined in the OSC issued under Part 21 (para.3.2)*...”

comment

2153

comment by: Airbus

**AMC 2 to OR.ATO.125, page 45, paragraph 11.1:**

The criteria to allow reduction from 6 to 4 landings is suggesting aeroplanes of similar size and performance. This criteria may not be so relevant for aeroplanes with fly-by-wire systems, where handling may be tuned so as to

ensure similar handling amongst the entire aeroplane family. The OEM may demonstrate that the aeroplanes behave similarly in take-off and landing, allowing a lesser number of landings, and this will be documented in the Operational Suitability Certificate, if NPA 2009-01 is adopted. As a consequence it is suggested to insert an alternate way, which may allow less required landings as demonstrated by the OEMs and approved under the relevant OSC.

**Proposed wording:**

To amend the text to read: "... should include at least 4 landings of which at least one should be a full stop landing, *unless otherwise specified in the Operational Suitability certificate issued under Part 21.*"

comment

2157

comment by: Airbus

**AMC 2 to OR.ATO.125, page 46, paragraph 13:**

It has to be explained that some credit in skill test may be granted based on previous experience (skill test by "difference") when demonstrated by an OEM and approved through the Operational Suitability Certificate (if NPA 2009-1 is adopted), as already stated in IR FCL Appendix 9.

**Proposed wording:**

To add in § 13 (or a dedicated § 14 under SKILL TEST):  
"When defined in the Operational Suitability Certificate issued under Part 21, credit may be given for skill test items common with other types for which the pilot is qualified."

comment

2238

comment by: Icelandair

**Comment:**

Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.

Paragraph 3.1 interferes with Part 21

**Proposal:**

Delete all the paragraphs of the AMC except 3.2 and 3.3

comment

2239

comment by: Icelandair

**Relevant text**

in paragraph 8.1 Self Study Distance Training  
"prior to commencement of flight training"

**Comment:**

"prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted. The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.

**Proposal:**

Delete § 8.1

- comment 2263 comment by: CAA Finland
- Amend. The amount of training shall be specified for single-pilot aeroplanes too.
- 10.2  
a  
minimum of 32 hours FSTD training should be programmed for a crew of a multi-pilot aeroplane, **16 hours for single-pilot multi-engine aeroplanes and 10 hours for single pilot single-engine aeroplanes**, of which at least ~~16 hours~~ **50%** should be in a Full Flight Simulator ~~operating as a crew~~.
- comment 2370 comment by: Swiss Power Flight Union
- Page 43: "Ground training" is misleading, change this title to:  
-Procedures training, or  
-Familiarization, or  
-Aircraft systems training and emergencies.
- comment 2390 comment by: FINNAIR
- Except for
- Except for paragraphs 3.2 and 3.3 all paragraphs should be removed as there is too much interference with FCL requirements and giving unclear and confusing results.  
Paragraph 3.1 interferes with Part 21
- Proposal :**  
Delete all the paragraphs of the AMC except 3.2 and 3.3
- comment 2392 comment by: FINNAIR
- Relevant text** in paragraph 8.1 Self Study Distance Training  
"prior to commencement of flight training"
- Comment:** "prior to commencement of flight training" (as stated in the last sentence of this paragraph) should not be required if no aircraft flight training is conducted.  
The mix of simultaneous flight simulator training and theoretical knowledge training is beneficial to the student and has no impact on safety.  
Proposal: Delete § 8.1
- comment 2399 comment by: FlightSafety International
1. Instructors providing training on a FTD and a FNPT I should have instructional experience appropriate to the training courses they are to conduct and hold or have held **a professional pilot license (issued by a EASA member state or a non EASA license acceptable to the Authority)** prior to the first appointment.
  2. Instructors providing flight training on a FFS and/or FNPT II, should hold **the license, rating and qualification for which instruction is being given.**
  3. Instructors providing multi-pilot type rating and/or MCC flight training on a

FFS and FTD and FNPT II/III, should hold a professional pilot license, have at least 1,500 hours as pilot of Multi-pilot airplanes, have completed in a FTD or FNPT II/III an approved course have conducted at least 3 hours of instruction on the approved course.”

Right now FCL 1.310, 1.410, 1.417 just requires the license, rating and qualification for which instruction is being given. The way the NPA is currently written, it required an instructor to have a professional license for **3** years and sounds like they must have an EASA license with the particular EASA instructor rating.

1. Remove the 3 year requirement.

2. [remove: FI(A), FI(H), IRI(A), TRI(A), TRI(MPH), CRI(A), STI(A), SFI(A), SFI(H) or MCCI(A) certificate relevant to the course.]

3. [remove: TRI(A), TRI(MPH), SFI(A) or SFI(H) certificate.]

A successful pass of theoretical knowledge course and final examination should be a pre-requisite for progression to the Skill Test only.

There is no safety case for not progressing to the flight training phase, and it has been proven to solidify the ground training phase.

The minimum course requirements will be defined by the manufacturer or ATO (via the OSC or supplemental OSC). The minimum training in an FSS should not be less than 16.0 hours for multi pilot aeroplanes and 10.0 hours for single pilot aeroplanes.

There is no safety justification to a minimum flight training course requirement without consideration for the complexity of the aircraft or the experience of the pilot being trained. This should be defined via the OSC based on an evaluation of the specific aircraft requirements.

Remove “provided it does not exceed 2 hours of the flight training course.”

There is no safety reason to limit this exercise to 2 hours or less.

Add the wording as per JAR-FCL 1.261(c)(2) Appendix 1 Paragraph 14 to include the ability to issue the Course Completion Certificate before the landings are completed in the aircraft.

Many ATOs do not have aircraft and much of this is contracted by the pilot taking the training using a third party aircraft and instructor.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC 3 to OR.ATO.125 Training programme – type rating courses - helicopters**

p. 46-47

comment 240 ❖

comment by: ECA- European Cockpit Association

Comment: this section should be transferred to IR.

Justification:

This is the old Appendix to JAR-FCL 1.261, which dealt with the type rating courses. All other courses are in FCL as IR, and this one is left in AMC and in Organizational requirements, therefore to the discretion of the operators. This requirement should not be left at the discretion of the operators.

comment

538

comment by: UK CAA

**Page No:**

47 of 83

**Paragraph No:** AMC 3 to OR.ATO.125, Paragraph 9**Comment:**

The training course should cover handling characteristics of the aircraft, particularly near the edge of the handling envelope. In particular, some helicopter types are susceptible to a phenomenon called 'servo transparency' or 'jack stall'. This should be specifically mentioned in the AMC.

**Justification:** Air Accidents Investigation Branch report EW/C/2007/09/06, AAIB Bulletin 2/2009, accident to G-CBHL. The report contains the following recommendation made to the UK CAA:

**Safety Recommendation 2008-069**

It is recommended that the Civil Aviation Authority, in conjunction with the European Aviation Safety Agency, require an awareness of the causes, symptoms, hazards, and recovery actions relating to 'servo transparency' or 'jack stall' encounters to be covered as a ground study item as part of the mandatory training for those helicopter types likely to be affected.

**Proposed Text (if applicable):**

e. giving the student the understanding of potential control problems near the edge of the handling envelope. In particular, the phenomenon of 'servo transparency' (also known as 'jack stall') should be covered for those helicopter types where it is a known problem.

comment

610

comment by: Heliswiss AG, Belp

Details about training programmes should be set in the according FCL sections - avoid duplicity!!!!!!

**Proposition:**

Move this AMC to the according FCL AMC

comment

628

comment by: Heli Gotthard

Details about training programmes should be set in the according FCL sections - avoid duplicity!!!!!!

**Proposition:**

Move this AMC to the according FCL AMC

comment

651

comment by: Air Grischia Helikopter AG

Details about training programmes should be set in the according FCL sections - avoid duplicity!!!!!!

**Proposition:**

Move this AMC to the according FCL AMC

comment 675 comment by: *Berner Oberländer Helikopter AG BOHAG*

Details about training programmes should be set in the according FCL sections  
- avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 716 comment by: *Stefan Huber*

Details about training programmes should be set in the according FCL sections  
- avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 1085 comment by: *CAA Belgium*

p.46 §2

- This § is totally different from what is foreseen in the AMC 2 (Aeroplanes);  
- "...in accordance with Part-FCL": where can that be found ?

comment 2266 comment by: *CAA Finland*

Amend. As in aeroplanes clear guidance about recommended minimum hours shall be specified.

comment 2401 comment by: *FlightSafety International*

**Remove** "Where a suitable full flight simulator is geographically remote from the normal training base, the competent authority may agree to some additional training being included in the programme at a remote facility".

There is no safety reason to include this if the base training is being conducted in a member state.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.130 Training aircraft and FSTDs** p. 47-48

comment 63 comment by: *George Knight*

"... a. except in the case of balloons, ..."

comment 537 comment by: *UK CAA*

**Page No:**  
47 of 83

**Paragraph No:** AMC to OR.ATO.130

**Comment:** Typographical error in paragraph 2.

**Proposed Text (if applicable):**

a. except in the case of balloons.....

comment 611 comment by: *Heliswiss AG, Belp*

Details about the equipment of testing aircraft and flight simulation training devices belong to the according FCL sections - avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 629 comment by: *Heli Gotthard*

Details about training programmes should be set in the according FCL sections - avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 652 comment by: *Air Grischa Helikopter AG*

Details about the equipment of testing aircraft and flight simulation training devices belong to the according FCL sections - avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 676 comment by: *Berner Oberländer Helikopter AG BOHAG*

Details about the equipment of testing aircraft and flight simulation training devices belong to the according FCL sections - avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 717 comment by: *Stefan Huber*

Details about the equipment of testing aircraft and flight simulation training devices belong to the according FCL sections - avoid duplicity!!!!!!

Proposition:  
Move this AMC to the according FCL AMC

comment 1007 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

User approval for FSTD is missing.

Proposal:

Add text:

4. Each FSTD should be:

a. equipped as required in the training specifications concerning the course in which it is used

comment 1671

comment by: CAA CZ

AMC to OR.ATO.130 para 3., page 48

We recommend to supplement following on the basis of the training syllabi in **Part FCL** – AMC to FCL.930.LAFI for (A) (page 411) and for (S) (page 449) a AMC to FCL.930.FI (page 480):

**d. for FI training, aircraft suitable for spin recovery at the developed stage.**

comment 1707

comment by: Fédération Française Aéronautique

The rule related to the availability of aeroplane suitable for demonstrating stalling and spin avoidance should be adapted and clarified, as many "Very small" and "Small ATOs" are not operating aerobatic aeroplanes "suitable for demonstrating stalling and spin avoidance".

FFA asks for change this rule 3b as follows "In case of aeroplanes and sailplanes, aircraft suitable for demonstrating stalling avoidance and, if available, spin avoidance"

comment 1725

comment by: Baden-Württembergischer Luftfahrtverband

AMC to OR.ATO.130 3.

**Wording in the NPA**

3 The fleet should include, as appropriate to the courses of training:

**Our proposal**

**No Change**

**We support this wording**

This wording should be kept as it defines clearly that not all aircraft used for training need the full equipment but that it is sufficient if there are aircraft available with the necessary equipment. E.g. basic training can be executed on a simply equipped aircraft so that expensive instruments are not exposed to many takeoffs and landings.

comment 1726

comment by: Baden-Württembergischer Luftfahrtverband

AMC to OR.ATO.130 3.b.

**Wording in the NPA**

b. In the case of aeroplanes and sailplanes, aircraft suitable for demonstrating stalling and spin avoidance;

**Our proposal**

**Delete** this passage

**Issue with current wording**

Not quite clear what this means. Must the aircraft be able to go into a spin or should it just be safely recoverable from spins.

**Rationale**

There are widely used training aircraft e.g. ASK21 that do not go into a spin. This requirement leaves too much room for interpretation and therefore is not practicable.

comment

2272

comment by: *CAA Finland*

Amend. IMC simulation equipment shall be better defined.

3. a. aircraft suitably equipped to simulate instrument meteorological conditions and for the instrument flight training required. **Halfly darkened goggles are not accepted. The window cover should prevent the student see also to his/her sides, but allow the instructor to have quite good visibility on both sides.**

comment

2313

comment by: *Deutscher Aero Club Landesverband Niedersachsen***Wording in the NPA**

3 The fleet should include, as appropriate to the courses of training:

**Our proposal****No Change****We support this wording**

This wording should be kept as it defines clearly that not all aircraft used for training need the full equipment but it is sufficient if there are aircraft available with the necessary equipment. E.g. basic training can be executed on a simply equipped aircraft so that expensive electronics are not exposed to many takeoffs and landings.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.135 Aerodromes**

p. 48

comment

6

comment by: *Rod Wood*

Para 2a. Consideration must be given to allowing this exercise to be completed in an un-licensed area, dual only and without fire cover. The practical reality of being able to establish a meaningful confined area in a licensed environment is almost impossible and commercially not viable.

comment

64

comment by: *George Knight*

It is unreasonable and disproportionate to require a small ATO teaching for LPL, PPL, SPL and BPL to be required to provide "1 (d) an air traffic control service.". This should be required only for professional licenses.

comment

75

comment by: *British Gliding Association*

Item 1 d in this part requires an air traffic control service.

Other than occasionally (subject to local arrangements) where gliding flight

training takes place within controlled airspace, there is no existing requirement to operate gliding flight training with air traffic control.

The safety case for introducing such a requirement has not been explained. Neither the NPA nor gliding safety data identifies a safety need.

The economic and organisational impact of requiring air traffic control oversight of gliding flight training would be very significant. The requirement is totally disproportional.

Proposal; Remove requirement 1.d and if necessary add '4. Air traffic control requirements are to be considered'.

comment 105 comment by: AOPA Switzerland

It does not make sense to limit the use of an aircraft to its MTOM. If a Cessna 172 (one of the most common training aircraft) is used by a student for solo training, the performance is as such that much shorter runways may be used than under MTOM. The proposed restriction is to withdraw.

comment 106 comment by: AOPA Switzerland

There is absolutely no need for air traffic control at training aerodromes. If appropriate training requires ATC, then the instructor and his student have to fly to a controlled airfield. Should the Agency stick to the proposed regulation, the very big majority of small airfields are going to be closed. The remaining controlled airfields are by far not able to take over the remaining training traffic.

comment 117 comment by: Bristow Academy

Para 1 (d) an air traffic control service, ***except where, with the approval of the Competent Authority, the training requirements may be satisfied safely by another acceptable means of air to ground communication.***

If an airfield ATC is not H24, flying training may safely continue, for example, out of normal hours or at night with an Airfield Flight Information Service or other means of Advisory service.

comment 146 comment by: Aero-Club of Switzerland

The Aero-Club of Switzerland does not accept what the Agency writes under

1.a.(i): Please reduce this requirement.

Justification: To take the hottest month of the year and a fully laden aircraft is simply not reasonable.

And 1.a.(ii): Please define the nature of the obstacles to be referred to!

Justification: The text of the Agency is not clear enough.

Your requirement under d. is absolutely unacceptable to us.

Proposal:  
Please delete this requirement

Justification: With the requirement d. "an air traffic control service" you kill the all activities of all group ATO working at small airfields serving VFR traffic only. And there are hundreds of them across Europe!

**For glider towing:**

The requirement 1.a.(ii) is not practical for towing on small airfields.

Proposal: please add 1.a.(v): for glider towing, a clearance of 50 ft over obstacle is not mandatory. But obstacles should be overflowed with a correct towspeed appropriate to the performance of the towplane and the glider.

Justification: A safe tow-speed is much more important when airborne than the clearance of 50 ft.

Clubs on small airfields would be pushed to use powerfull towplane only to fulfill the requirement 1.a.(ii). Powerfull towplanes with enormous fuel consumption and high noise production are against the interest of environmental protection.

comment

307

comment by: *Susana Nogueira*

(1)(d)

Is a rule for gliders or seaplanes to, for example?

comment

364

comment by: *Egon Schmaus*

AMC to OR.ATO.135 Aerodromes  
1. d) an air traffic control service.

Proposed Text:

1. d) an air traffic control service, if training is provided for IR and/or CPL.

Reason:

Most flight training for both LAPL and PPL in all versions is done at uncontrolled airfields.

comment

539

comment by: *UK CAA*

**Page No:**

48 of 83

**Paragraph No:** AMC to OR.ATO.135

**Comment:** This AMC requires aerodromes used for training to have an air traffic control service. This may be too onerous for some activities such as gliding or even LPL or PPL training. JAR-FCL Appendix 1a to 1.055/2.055 provided for other means of air/ground communication with the approval of the Authority.

**Justification:** Appropriate level of air/ground communications required for the activity.

**Proposed Text (if applicable):**

Revert to JAR-FCL text:

An air traffic control service except where, with the approval of the Authority, the training requirements may be satisfied safely by another means of air/ground communication.

comment 694

comment by: *Royal Danish Aeroclub*

There is not reason to demand air traffic control service on aerodromes for flight training.

This will stop a lot of flight schools and flight clubs with flight training, and harm the general aviation and air sports.

Flying in controlled air space is defined in the syllabus for each certificate or license.

The paragraph **AMS to OR.ATO.135 1. d.** should be deleted.

comment 766

comment by: *Norwegian Air Sports Federation*

(d). does **NOT** take into account the training provided and category and type of aircraft used according to **OR.ATO.135**

Most of the gliding training and a significant part of the PPL training in Europe is today provided at airfields without an air traffic control service.

(d). has to be deleted, or moved into section 2 where it might be relevant.

comment 799

comment by: *AEA***Relevant text:**

1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:

...

d an air traffic control service

**Comment:**

A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

**Proposal:**

Delete d)

comment 815

comment by: *Light Aircraft Association UK*

The requirement for there to be an 'air traffic control service' is not justified. Many aerodromes do not have a full air traffic service and operate safely with training organisations present. The requirement should be modified to "air traffic control requirements should be considered".

comment 997

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

It is too restrictive to require that the base aerodrome should have air traffic control service. Hundreds of ATOs would have to close down or move to other aerodromes. This could create problems for air traffic and aerodrome owners, and would involve substantial costs.

**Proposal:**

Delete: d. an air traffic control service.

comment

1055

comment by: *European Gliding Union (EGU)*

B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.135 Aerodromes (page 48):"Considering glider towing:The requirement 1.a.(ii) is not practical for towing on small airfields.

**Proposal:**

1.a.(v): for glider towing, a clearance of 50 ft over obstacle is not mandatory. But obstacles should be overflown with a correct tow-speed appropriate to the performance of the tow-plane and the glider.

Justification: A safe tow-speed is much more important when airborne than the clearance of 50 ft.Clubs on small airfields would be pushed to use powerful tow-planes only to fulfil the requirement

1.a.(ii). Powerful tow-planes with enormous fuel consumption and high noise production are against the interest of environmental protection. Additionally, increased costs will be induced by such requirement which will result in a decrease of the economical situation of the non profit orientated air sport clubs.

comment

1097

comment by: *EUROPEAN GLIDING UNION***AMC OR.ATO.135 Aerodromes**

Once again this is written for commercial training organisations.

The requirement under item d) to have an air traffic control service is disproportionate, unnecessary and economically and operationally impossible in the a vast majority of cases in gliding. Most of the airfields from which gliding takes place are outside controlled airspace and outside the control of ATC in most EU countries. Most air sports activities, including gliding, take place on non-procedural aerodromes and other operating surfaces.

Further, the recent EU political decisions as regards the extension of EASA competence to aerodromes has removed most gliding aerodromes / airfields from this proposed extension. Therefore, the ATO proposed rules should not include any reference to ATC facilities for glider training airfields or operations.

If the proposed rules for ATC are sustained by EASA in its Opinion then the economic impact on gliding clubs will be so severe as to make glider training uneconomic if not in many cases terminal, as the cost of providing such services would be totally disproportionate and in fact unworkable for the nature of gliding operations.

**Proposal.**

Delete this requirement.

- comment 1098 comment by: *EUROPEAN GLIDING UNION*
- For glider towing:  
The requirement 1.a.(ii) is not practical for towing on small gliding airfields.
- Further, the recent EU political decisions as regards the extension of EASA competence to aerodromes has removed most gliding aerodromes / airfields from this proposed extension. Therefore, the ATO proposed rules should not include any reference to aerodrome features for glider training airfields.
- This is not a subject (airfield departure physical clearances) that should be included in ATO rules.
- Proposal:
- Delete this requirement.
- 
- comment 1189 comment by: *Royal Swedish Aeroclub*
- a. The requirement that all ATO bases should have a runway fulfilling requirements for T/O and landing at max TOW is unreasonable. A large number of flying school would have to cease operations. This would be catastrophic for these flying schools (ATOs) and for air training as a whole. A reasonable requirement would be that a suitable base fulfilling these requirements is **available**.
- 
- comment 1190 comment by: *Royal Swedish Aeroclub*
- d. It is totally unreasonable to require every airfield used for flight training to have an ATC. Most flying schools by far in Sweden are based on unmanned airfields across the country, without ATC. This requirement would immediately shut all of them down! Part of the flight training requires flight into airfields with full ATC, but most of the flight training is done at the home base, where usually there is no form of ATC. Most of the time there is no regular staff at the flying club.
- 
- comment 1206 comment by: *DCAA*
- 6) Air Traffic Service, not Air Traffic Control.
- The change gives possibility to traing at aerodromes where FIS/AFIS is provided.
- 
- comment 1285 comment by: *Swiss International Airlines / Bruno Pfister*
- Relevant text:**  
1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:  
...  
d an air traffic control service
- Comment:**  
A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

**Proposal:**

Delete d)

comment

1298

comment by: *Irish Aviation Authority*

1. Under 2. & 3., sites are mentioned. The title should be amended to 'Aerodromes and sites', so that people will know where to look for the information.

2. Under 1. d., it would be extremely onerous on ATO's for e.g. sailplanes or seaplanes to have to transfer to an aerodrome with an air traffic control service for training. An exception should be made for these types as well as for balloons.

DCr 270509

comment

1301

comment by: *SWISS AERODROMES ASSOCIATION*

Our comment:

This formulation is too invasive and too restrictive. It is overshooting OR.ATO 135 by far, especially when talking about **base aerodrome an any alternative base aerodromes !**

It makes no sense to eliminate the localization of training organizations on smaller airfields, aerodromes without ATC or with a configuration that does not match with the proposed criteria !

Basic flight training and most of the training operations do not require facilities matching with the proposed criteria. ATC services for instance is unnecessary. And MTOM operations are exceptionnal during training. MTOM operations can be conducted, as well as familiarization with ATC, on other aerodromes than the homebase.

We suggest to delete this draft rule. Keeping it would affect a lot of smaller aerodromes where training is conducted and constitutes an important part of the aerodrome activity.

comment

1468

comment by: *KLM***Relevant text:**

1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:

...

d an air traffic control service

**Comment:**

A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

**Proposal:**

Delete d)

comment 1486 comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 1 - AMC to OR.ATO.135 Aerodromes

**Relevant text:**  
 1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:  
 ...  
 d an air traffic control service

**Comment:**  
 A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

**Proposal:**  
 Delete d)

comment 1582 comment by: Deutsche Lufthansa AG

**Relevant text:**  
 1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:  
 ...  
 d an air traffic control service

**Comment:**  
 A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

**Proposal:**  
 Delete d)

comment 1615 comment by: bmi

**Relevant text:**  
 1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:  
 ...  
 d an air traffic control service

**Comment:**  
 A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

**Proposal :** Delete d)

comment 1708 comment by: Fédération Française Aéronautique

AMC to OR.ATO.135 1, b :

FFA strongly requests to delete the words "from the ends of the runway", which is over-prescriptive and inappropriate on small aerodromes, very often used by "Very small training organisations" (see our proposed definition in the FFA comment on page 1 above, namely, ATOs for basic LPL, LPL and PPL only).

FFA proposes to ask for "A wind indicator shall be installed and visible from the apron and/or the holding points" (which seems much more important than "the ends of the runway"). It would be unrealistic on many aerodromes to require that the wind indicator be visible from both ends of the runway.

Furthermore, the FFA notes that the European Parliament decided on 25 March 2009 that "Small aerodromes" will be excluded from the EASA remit. So FFA believes that this AMC is not applicable to "Small aerodromes" and that it apply to "Large aerodromes" and "Other ATOs" only.

comment

1709

comment by: *Fédération Française Aéronautique*

AMC to OR ATO 135, 1, d

**FFA strongly requests to del ete the whole rule on "air traffic control service"**, which is over-prescriptive, unrealistic and surely impossible to implement, as a lot of "Very small ATOs" (see our proposed definition in the FFA comment on page 1 above) have their main base on aerodromes without any air traffic control service or with a non permanent air traffic control service.

During the training, a student pilot shall land at, and take-off from, controlled aerodromes. But this shall not lead to require an ATC service everywhere and every time.

Furthermore, the FFA notes that the European Parliament decided on 25 March 2009 that "Small aerodromes" will be excluded from the EASA remit. So FFA believes that this AMC is not applicable to "Small aerodromes" and that it apply to "large aerodromes" and "Other ATOs" only.

comment

1710

comment by: *Fédération Française Aéronautique*

AMC to OR ATO 135 1 a

FFA believes that it is unrealistic to require that the "Maximum take-off mass" limitation be respected systematically, and in all cases, on all aerodromes used for flight training. It is clearly over-prescriptive and inappropriate for "Very small" training organisations" (see our proposed definition in the FFA comment on page 1 above, namely, ATOs for basic LPL, LPL and PPL only) using "Small aerodromes", as the actual "Take-off mass" during training, is frequently under the maximum certified take-off mass.

Furthermore, the FFA notes that the European Parliament decided on 25 March 2009 that "Small aerodromes" will be excluded from the EASA remit. So FFA believes that this AMC is not applicable to "Small aerodromes" and that it apply to "large aerodromes" and "Other ATOs" only.

comment

1727

comment by: *Baden-Württembergischer Luftfahrtverband*

AMC to OR.ATO.135 1.d.

**Wording in the NPA**

1. Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:

...

d. an air traffic control service.

**Our proposal**

**Delete** this passage d.

**Issue with current wording**

Many airports used for training do not have an air traffic control service.

**Rationale**

Small airfields especially with focus on sailplane and touring motor glider do not have an air traffic control service. These airfields must not be excluded from training locations. See our introduction in **general comment 1713** why it is necessary to have a multitude of small facilities widely spread. These can not all have air traffic control services.

comment

1905

comment by: *International Air Transport Association (IATA)***Relevant text:**

1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:

...

d an air traffic control service

**Comment:**

A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

**Proposal:**

Delete d)

comment

2072

comment by: *TNT Airways***Relevant text:**

1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:

...

d) an air traffic control service

**Comment:**

Small ATO conducting flight training for PPL or SPL can operate from aerodromes without ATC service.

**Proposal :**

Delete d) in 1.

Add:

4. In addition to 1, for large A/C training sites, an air traffic control service should be available.

comment

2148

comment by: *CAA Norway*

AMC OR.ATO.135

Here we find a description of the level of standards for the base aerodrome and any alternative base aerodromes, used by ATOs.

In 1.d. it is specified an air traffic control service is needed.

This requirement makes sense for the training for CPL, IR, etc. For the

training for LPL, SPL and PPL, this might pose a very big problem. Also, for training for the Seaplane Rating, this will be very hard to fulfill.

In many cases, small ATOs giving training for SPL, LPL and PPL are located at small airfields, but near a bigger airport. Some reasons for this can be:

- Economical, landing fees are higher on airports with ATC than on smaller airfields – sometimes VERY much higher
- Accessibility, larger airports might have traffic congestion, making training flights impossible for extended periods of time

The normal practise is for the smaller ATOs to have their students fly to and from airports with ATC, to ensure their students get the necessary training and experience in ATC compliance. This is the objective of the training.

As long as this is achieved, the exact location of the ATO is less interesting. Please bear in mind that in some EASA member states, there might be hundreds of kilometers between airports with ATC services.

If this is changed to apply to ATOs not giving traing for only LPL, PPL or SPL, the problem is solved. If this is not limited in this manner, a large number of ATOs will cease, and training in particular for the "lower end" of licenses and ratings, i.e. those related in the most to airports, will be lost, with the implications following from this. It must be remembered that ATOs includes today's Registered Facilities.

In basic regulation 216 there is no mentioning of limiting ATOs to airports with ATC. This is a very large restriction as compared to JAR-FCL, in particular for the smaller ATOs, and it should be modified.

As stated previously, the important objective is not to regulate the location of the ATOs, but to ensure that students get the practice and experience needed to comply and function safely with ATC.

comment

2240

comment by: *Icelandair***Relevant text:**

1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:

...

d an air traffic control service

**Comment:**

A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

**Proposal:**

Delete d)

comment

2249

comment by: *K Franzen*

Comment: This requirement in AMC OR.ATO.135 1 for both base and ANY alternative base aerodromes means that it is impossible to train with lower than maximum take-off and landing mass on short runway with minimum length and subsequently not be exposed to the difficulties in using such aerodromes and learning to use small aerodromes.

The requirement in AMC OR.ATO.135 1 d means that it is impossible to provide training at aerodromes without ATC service and subsequently not be exposed to the difficulties in using such aerodromes and learning to use the radio to communicate with other aircraft in the circuit.

Proposal (including new text): It must be sufficient that the ATO has access to aerodromes for training at MTOM and the use of aerodromes without ATC must also be possible.

comment

2278

comment by: CAA Finland

Amend. Those requirements are so specific that they may be ignored by the ATO.

**1.a. safely without exceptional piloting skills according to aircraft flight manual** ~~...in the following conditions:~~

~~(i) under calm wind (not more than 4 knots) conditions and temperatures equal to the mean high temperature for the hottest month of the year in the operating area;~~

~~(ii) clearing all obstacles in the takeoff flight path by at least 50 feet;~~

~~(iii) with the powerplant operation and the landing gear and flap operation (if applicable) recommended by the manufacturer; and~~

~~(iv) with a smooth transition from liftoff to the best rate of climb speed~~

~~without exceptional piloting skills or techniques.~~

comment

2280

comment by: CAA Finland

Amend. In some training like seaplane rating there is no possibility for ATC.

**1.d. for a licence training at least part of the training shall be conducted from an aerodrome with** an air traffic control service.

comment

2292

comment by: Light Aircraft Association of the Czech Republic

Requirement stated in the AMC to OR.ATO.135 1(d) which require air traffic control service at the home base aerodrome are not acceptable for training organisations for LPL.

The requirement would in practice make most of today's flight training impossible in the mentioned licence categories.

Proposal:

remove requirement 1d from AMC.

If necessary add

4. Air traffic control requirements to be considered

comment

2317

comment by: Deutscher Aero Club Landesverband Niedersachsen

### **Wording in the NPA**

1. Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:

...  
d. an air traffic control service.

### **Our proposal**

**Delete** passage d.

### **Issue with current wording**

Many airports and airfields used for training do not have an air traffic control service.

### **Rationale**

Small airfields especially with focus on sailplane and touring motor glider do not have a traffic control service. These airfields shall not be excluded to be training locations. The European situation in air sport works since decades without air traffic control on these airfields without any risk hazard. This clause seems to be a pace-copy mistake.

comment

2321

comment by: *Danish Powerflying Union*

We suggest EASA to delete **AMS to OR:ATO.135. 1. d.**

It will make it impossible for several aeroclubs and flightschools to continue with their flight training if the regulations demand that flight training has to be conducted at an air traffic control service.

Many aeroclubs are located at uncontrolled airfields and flying in controlled air space is fulfilled according to the syllabus.

comment

2353

comment by: *Europe Air Sports PM*

AMC OR.ATO.135 Aerodromes

This appears to be written for commercial training organisations.

The requirement under item d) to have an air traffic control service is disproportionate, unnecessary and economically and operationally impossible in the a vast majority of cases in the air sports community, particularly for gliding sites, certainly for ballooning sites (how will ATC be provided for the place where a balloon lands?!).

Most of the airfields from which gliding in particular takes place are outside controlled airspace and outside the control of ATC in most EU countries. Most air sports activities, including gliding, take place on non-procedural aerodromes and other operating surfaces.

Further, the recent EU political decisions as regards the extension of EASA competence to aerodromes has removed most aerodromes / airfields that are used by ATOs for training air sports and recreational aviation pilots from this proposed extension. Therefore, the ATO proposed rules should not include any reference to ATC facilities for training airfields or operations in the sector EAS represents.

If the proposed rules for ATC are sustained by EASA in its Opinion then the economic impact on air sport clubs will be so severe as to make pilot training uneconomic if not in many cases terminal, as the cost of providing

such services would be totally disproportionate and in fact unworkable for the nature of operations.

Proposal

Delete this requirement.

comment

2354

comment by: *Europe Air Sports PM*

For glider towing:

The requirement 1.a.(ii) is not practical for towing on small gliding airfields.

Further, the recent EU political decisions as regards the extension of EASA competence to aerodromes has removed most gliding aerodromes / airfields from this proposed extension. Therefore, the ATO proposed rules should not include any reference to aerodrome features for glider training airfields.

This is not a subject (airfield departure physical clearances) that should be included in ATO rules.

Proposal:

Delete this requirement.

comment

2385

comment by: *Swiss Power Flight Union*

We never can accept, what the Agency writes under 1.a.(i) (ii), please reduce this requirements for a reasonable praxis.

For a lot of small airfields is that the end of flight training operations. Is that the meaning from EASA?

We never can accept, what the Agency writes under 1.d.

For VFR flight training is an ATC absolut not necessary.

Question: Will the EASA kill a lot of small airfields?

comment

2394

comment by: *FINNAIR*

Relevant text:

1.Except in the case of balloons, the base aerodrome and any alternative base aerodromes at which flying training is being conducted should have at least the following facilities:

...

d an air traffic control service

Comment:

A lot of small ATO conducting flight training for PPL or SPL operate from aerodromes without ATC service.

Proposal : Delete d)

comment

2413

comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU points out that the request of an "Air traffic control service" for all aerodromes used by a Flight training organisation is a non sense for all Small

non commercial, non profit training organisations.

EPFU requests that this requirement will be deleted as it shows a total ignorance of the reality within that sort of small training organisation!

comment 2450 comment by: *Norwegian Air Sports Federation, Gliding Section*

The Gliding Section of the Norwegian Air Sports Federation disagrees with the requirement for minimum 50 feet obstacle clearance, if applied to sailplane training using aerotow. In many cases, gliding clubs use grass airfields of around 600 m length. This requirement would force clubs to either shut down training from their airfield, or to use more expensive and/or less environmentally friendly (fuel consumption, emissions, noise) tow planes.

comment 2451 comment by: *Norwegian Air Sports Federation, Gliding Section*

The Gliding Section of the Norwegian Air Sports Federation disagrees with the requirement for the base aerodrome to have an air traffic control service, if applied to flying training in sailplanes (or in light aeroplanes for a PPL).

The large majority of sailplane flying training (and a significant portion of PPL training in light aeroplanes) in Europe is done at airfields without air traffic control.

Applying such a regulation to sailplane training would probably force the shutdown of the majority of gliding club training operations, as airfields with air traffic control will not have the capacity to accommodate sailplane training activities, or will be too far away from the current bases of gliding clubs.

comment 2454 comment by: *Aéro.Sport asbl. Luxembourg*

Our proposal:  
Delete this passage d.  
Reason:

By requiring an air traffic control service, most of the aerodromes currently used for training, will be banned, and that at a time where more and more countries are eliminating air traffic control or information service at their aerodromes for cost-efficiency reasons.

Most of these uncontrolled aerodromes are not asking for landing fees, and banning them from operation will help to kill small and non-commercial ATO's.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - AMC 1 to OR.ATO.210 Personnel requirements**

p. 49

comment 4 comment by: *Michel Lacombe AF TRTO*

In additionnal ratings to limit the class number at 12 students seems a bit restrictive.

I propose :

**AMC 1 to OR.ATO.210**

7. Class numbers in ground subjects involving a high degree of supervision or practical work should not exceed 12 students when training for license or initial rating and 18 for additional rating.

comment 366

comment by: OAA Oxford

General. 6: Ratio is not appropriate. Many FTOs structure their integrated courses to allow students to complete all TK training and examinations prior to entering the flight training phase. As such, the number of students undergoing the TK training phase has no relevance to the number of flight instructors. This clause appears to reflect the previous model of flying and TK training being mixed on a daily basis.

Recommendation: add 'engaged in the flight training aspect of the course' after 'all students'.

comment 540

comment by: UK CAA

**Page No:**  
49 of 83

**Paragraph No:** AMC 1 to OR.ATO.210

**Comment:** Paragraphs 4 and 5 conflict with each other over the use of a part time employed HT, CFI or CGI for modular training courses. Paragraph 4 is too onerous for an organisation that may offer only a few courses on an occasional basis each year.

**Justification:** Clarification.

**Proposed Text (if applicable):**

Propose to delete paragraph 4 and renumber remaining paragraphs.

comment 612

comment by: Heliswiss AG, Belp

GENERAL 6.

The ratio of all students to flight instructors is not of any relevance. It is possible for students to fly with an instructor every day, once a week, or once a month. Not only the number of students, but also the number of lessons per time result in the instructional work load. Because there are already rules for duty and rest times defined in OR.ATO.230, there is no need for a maximum student/instructor ratio.

Proposition:  
Delete 6.

GENERAL 7.

In any theoretical knowledge course, it is important to achieve certain goals and to check the achievements, the student will have to pass a test. It should therefore be the ATO's decision, how many students they accept for a certain course or with how many instructors they work for a given course. The QS or CMS should be at work there.

Proposition:  
Delete 7.

comment

630

comment by: *Heli Gotthard*

GENERAL 6.

The ratio of all students to flight instructors is not of any relevance. It is possible for students to fly with an instructor every day, once a week, or once a month. Not only the number of students, but also the number of lessons per time result in the instructional work load. Because there are already rules for duty and rest times defined in OR.ATO.230, there is no need for a maximum student/instructor ratio.

Proposition:  
Delete 6.

GENERAL 7.

In any theoretical knowledge course, it is important to achieve certain goals and to check the achievements, the student will have to pass a test. It should therefore be the ATO's decision, how many students they accept for a certain course or with how many instructors they work for a given course. The QS or CMS should be at work there.

Proposition:  
Delete 7.

comment

653

comment by: *Air Grisca Helikopter AG*

GENERAL 6.

The ratio of all students to flight instructors is not of any relevance. It is possible for students to fly with an instructor every day, once a week, or once a month. Not only the number of students, but also the number of lessons per time result in the instructional work load. Because there are already rules for duty and rest times defined in OR.ATO.230, there is no need for a maximum student/instructor ratio.

Proposition:  
Delete 6.

GENERAL 7.

In any theoretical knowledge course, it is important to achieve certain goals and to check the achievements, the student will have to pass a test. It should therefore be the ATO's decision, how many students they accept for a certain course or with how many instructors they work for a given course. The QS or CMS should be at work there.

Proposition:  
Delete 7.

comment

677

comment by: *Berner Oberländer Helikopter AG BOHAG*

GENERAL 6.

The ratio of all students to flight instructors is not of any relevance. It is possible for students to fly with an instructor every day, once a week, or once

a month. Not only the number of students, but also the number of lessons per time result in the instructional work load. Because there are already rules for duty and rest times defined in OR.ATO.230, there is no need for a maximum student/instructor ratio.

Proposition:  
Delete 6.

GENERAL 7.

In any theoretical knowledge course, it is important to achieve certain goals and to check the achievements, the student will have to pass a test. It should therefore be the

ATO's decision, how many students they accept for a certain course or with how many instructors they work for a given course. The QS or CMS should be at work there.

Proposition:  
Delete 7.

comment

718

comment by: *Stefan Huber*

GENERAL 6.

The ratio of all students to flight instructors is not of any relevance. It is possible for students to fly with an instructor every day, once a week, or once a month. Not only the number of students, but also the number of lessons per time result in the instructional work load. Because there are already rules for duty and rest times defined in OR.ATO.230, there is no need for a maximum student/instructor ratio.

Proposition:  
Delete 6.

GENERAL 7.

In any theoretical knowledge course, it is important to achieve certain goals and to check the achievements, the student will have to pass a test. It should therefore be the ATO's decision, how many students they accept for a certain course or with how many instructors they work for a given course. The QS or CMS should be at work there.

Proposition:  
Delete 7.

comment

729

comment by: *Maarten*

1. ; ".....the management structure.....high standard....." What is a high standard for a non profit flyingclub? Definition unclear(able) so scrap.
2. ; What is ".....an adequate number of qualified, competent staff....."? Is "an adequate number" more then one? Most non-profit aeroclubs have non or only one person working for them. Or is the direction comity of a flyingclub the staff? But generally the people of this staff are doing this for fun. If they are competent to make fun is that okay? Definition unclear(able) so scrap.
3. ; Well this is the flyingclub killer. If for intergrated courses the HT and others are not employed on a permanent bases, how do non-profit ATO's going to do this?? This is not realistic so scrap.
4. ; See 3 = flyingclub killer, so scrap.

If in a ATO all students fail for their practical and theoretical exams, "you" can presume that nobody is going to spend on a flighttraining of 10.000 to 15.000euro's. Because flyingtraining is done by qualified instructors pilots we can presume that they don't want to fall out of the sky. No complicated back-office paperwork will replace that.

comment 803

comment by: AEA

**Relevant text:**

6. The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1

**Comment:**

Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment 816

comment by: ENAC TLP

it should be clarified what exactly "full time" means. last year we asked other authority for information about this issue: the responses were very different one from another. This can cause unfair competition, and the Agency should have the task to prevent it, even standardising the concept of "full time" for HT, CFI and CGI

comment 898

comment by: Boeing

*AMC 1 to OR.ATO.210  
Para 7.  
page 49*

We suggest removing paragraph 7 in its entirety.

**JUSTIFICATION:** Unless there is safety data on which this requirement is based, it appears to be a subjective requirement that cannot be quantified.

comment 899

comment by: Boeing

*AMC 1 OR.ATO.210  
Paragraphs 8., 9., and 10  
Page 49*

The requirements for ground instructors are defined in the IR and need not be repeated in the AMC. In light of this, we suggest removing paragraphs 8 and 10 of AMC 1.

**JUSTIFICATION:** Paragraph 9 sufficiently addresses the requirements for a Theoretical Knowledge Ground Instructor.

comment 1003

comment by: Flygteoriskolan Barkarby AB

AMC 1 to OR.ATO.210 Personnel requirements

7. Class numbers in ground subjects involving a high degree of supervision or

practical work should not exceed 12 students.

We do not agree with your view on this subject. We understand the reason to limit the classes with regards to extensive practical work, however we do not see why the aviation training industry should be exclusive to other educational institutions that do not have limitations like this. By stating this you either make the instructors or the students in the aviation training industry to be of a lesser quality. Even though it just states "should" we suggest that you add to this text:

", except as approved by the Authority."

comment

1092

comment by: CAA Belgium

Theoretical knowledge ground instructors

Mix of JAR-FCL requirements: not applicable.

e.g.

pt. 8: why ground instructors need to hold an appropriate type/class rating ?

pt. 9: ok for FTO's, nok for TRTO's

pt. 10: why a pilot is not considered to have the appropriate experience in aviation ?

comment

1146

comment by: CAA Belgium

(3)

This requirement is too high. Only few FTO's are in a position to fulfil this requirement. A solution is that we allow this persons also to work in a company so that they keep feeling with the industry for which they train pilots. The time they have to be available in the FTO can be determined in the administration manual.

comment

1286

comment by: Swiss International Airlines / Bruno Pfister

**Relevant text:**

6. The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1

**Comment:**

Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment

1470

comment by: KLM

**Relevant text:**

6. The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1

**Comment:**

Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in

consultation with the operator).

comment 1477

comment by: KLM

**Relevant text:**

7. Class numbers in ground subjects involving a high degree of supervision or practical work should not exceed 12 students.

**Comment:**

Mentioning a maximum number of students per classroom is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment 1489

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - AMC 1 to OR.ATO.210 Personnel requirements

**Relevant text:**

6. The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1

**Comment:**

Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment 1583

comment by: Deutsche Lufthansa AG

**Relevant text:**

6. The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1

**Comment:**

Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment 1616

comment by: bmi

**Relevant text:** 6. The ration of all students to flight instructors, excluding the HT, should not exceed 6:1

**Comment:** Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment 1672

comment by: CAA CZ

AMC 1 to OR.ATO.210 para 7., page 49

7. Class numbers in ground subjects involving a high degree of supervision or practical work should not exceed 12 students.

We recommend to add a maximum number of 24 students in the classroom.

- comment 1673 comment by: CAA CZ
- AMC 1 to OR.ATO.210 9., page 49  
 9. Theoretical knowledge ground instructors should, before appointment, prove their competency by giving a test lecture based on material they have developed for the subjects they are to teach.  
 It is not determined **to whom** should GI prove his capability to lead by form of test lecture. Competent authority or...?
- comment 1674 comment by: CAA CZ
- AMC 1 to OR.ATO.210 10., page 49  
 10. **For this purpose**, a flight engineer, a maintenance engineer or a flight operations officer should be considered as having appropriate experience in aviation and knowledge of the aircraft concerned.  
 Should be specified if paragraph 10 applies to type trainings or is generally applicable to all "ground instructors?"
- comment 1742 comment by: CAE
- AMC 1 OR.ATO.210 (8)(9)(10) page 49
- The requirements for theoretical knowledge ground instructors are defined in the implementing rules and should not be repeated in the AMC.
- Request the removal of paragraph 8 and 10 of AMC 1, and the removal of paragraph 1 of AMC2. The remaining paragraph 9 sufficiently addresses the requirements for the theoretical knowledge ground instructors.
- Reference comment #1743
- comment 1745 comment by: CAE
- AMC 1 to OR.ATO.210 (7) page 49
- Remove paragraph 7
- This is a subjective requirement that cannot be quantified.
- comment 1906 comment by: International Air Transport Association (IATA)
- Relevant text:**  
 6. The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1
- Comment:**  
 Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).
- comment 1956 comment by: AIR FRANCE
- Relevant text:**  
 6. The ratio of all students to flight instructors, excluding the HT, should not

exceed 6:1

**Comment:**

Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment

2077

comment by: *TNT Airways*

6. The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1.

**Comment:**

This ratio makes the AMC too rigid as some authorities could take it as a rule.

**Proposal:**

6. The ratio of all students to flight instructors, excluding the HT, should be determined during the approval process between the competent authority and the ATO.

comment

2104

comment by: *ERA*

Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment

2159

comment by: *Irish Aviation Authority*

Para 10 should be added to the end of para 8 - para 10 is validating what is considered to be appropriate experience as required under para 8. Therefore amend para 8 and delete para 10 sw 280509

comment

2241

comment by: *Icelandair*

**Relevant text:**

6. The ratio of all students to flight instructors, excluding the HT, should not exceed 6:1

**Comment:**

Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment

2242

comment by: *Icelandair*

If the intention of EASA is to introduce a class 2 medical for Cabin Crew than there will never be enough AMEs to conduct all the required medical checks. This will lead to huge cost and operational disruptions for no safety benefit and it is not in line with the intent of the EU legislator which had not intention to alter the medical fitness requirements of EU-Ops which allows an assessment in stead of an examination as proposed by EASA.

comment

2281

comment by: *CAA Finland*

Amend. Specification for "full time" required.

4. full time (**e.g at least 20 working hours per week for the ATO**)

comment

2284

comment by: CAA Finland

Amend. Justification "full time" and flight instructor means only FI (not IRI, CRI..)

6. The ratio of all **flight** students to **full time flight** instructors

comment

2286

comment by: CAA Finland

Amend. Justification for "high degree.."

7. The ratio of students to ground instructors ~~Class numbers~~ in ground subjects involving a high degree of supervision or practical work (**e.g. mass and balance calculations, navigation calculations**) should not exceed **12:1 students**.

comment

2397

comment by: FINNAIR

Relevant text: 6. The ration of all students to flight instructors, excluding the HT, should not exceed 6:1

Comment: Mentioning a ratio is too rigid. This is depending on the organisation structure, training structure etc and should therefore be left at the approval of the CA (in consultation with the operator).

comment

2403

comment by: FlightSafety International

Remove requirement for type or class rating. This infers authorizations for ground instructors. There is no reason to have the ground instructors to hold a type rating. There are many qualified ground instructors (i.e. maintenance instructors) available..

The requirements for TK ground instructors and Head of Training and CFI are defined in the IR and should not be repeated in the AMC.

Remove paragraph 8 and 10 of AMC 1.

Remove Paragraph 1 of AMC2.

Paragraph 9 sufficiently addresses the requirements for a TKGI. Further, this is repeated from the IRs.

The requirements for the Head of Training are sufficiently defined in the IRs and furthermore requiring a Head of Training to hold or have held an EASA professional licence is a limiting factor not supported by safety requirements. JAR-FCL 1.055 Appendix 2 Paragraph 12 only states the Head of Training must be acceptable to the authorities.

Remove paragraph 7

This is a subjective requirement that cannot be quantified.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - AMC 2 to OR.ATO.210 Personnel requirements**

p. 49

- comment 138 comment by: *DCA Malta*  
**AMC 2 to OR.ATO.210**  
 Replace "Part-FCL" by "ICAO Annex 1"
- comment 304 comment by: *Susana Nogueira*  
 Paragraph 1 Delete PAR-FCL and change by **ICAO Annex 1**
- comment 541 comment by: *UK CAA*  
**Page No:**  
 49 of 83  
**Paragraph No:** AMC 2 to OR.ATO.210  
**Comment:** See UK CAA comment on OR.ATO.210. It should not be necessary for the Head of Training of a type rating training organisation to hold or have held a professional licence with flight instructor rating.  
**Justification:** Align the requirements for the Head of Training with the managerial responsibilities of the post.  
**Proposed Text (if applicable):**  
 Add "For organisations offering training for professional licences" at the beginning of paragraph 1.
- comment 704 comment by: *OAA Oxford*  
 (1) JAR-FCL currently allows for licenses issued in accordance with ICAO Appendix 1  
 Recommendation: re-instate
- comment 730 comment by: *Maarten*  
 2.ii. 1000 hours; that will exclude much young and low hours instructors.
- comment 869 comment by: *Frank Scheppe*  
 Concerning AMC 2 to OR.ATO.210 Personnel requirements:  
 1. Head of Training. No professional pilots licences exist for balloons. The highest level will be an EASA BPL with commercial privileges. I would suggest to amend the text as follows:  
 The nominated HT should hold or have held in the 3 years prior to first appointment as an HT, a professional pilot licence, or in the case of non-motorized operations, a BPL or SPL, with associated ratings issued in accordance with Part-FCL, related to the flying training courses conducted.

2. Chief flying instructor (CFI) should:

(i) hold the highest professional pilot licence or, in the case of non-motorized operations, a BPL or SPL, and the ratings related to the flying courses conducted;

(2) have completed 1000 hours of flight time, or in the case of balloon operations 500 hours of flight time, as pilot-in-command, of which at least 500 hours (in the case of balloons: 100 hours) shall be on flying instructional duties related to the courses conducted, of which 200 hours may be instrument ground time (with the exception of balloon operations, where instrument ground time is not applicable).

Explanation: there are almost no balloon instructors on the planet with 500 hours experience in instruction, and many of the more experienced balloon pilots still have flown less than 1000 hours. This is due to the extreme weather sensibility of balloons, as a result of which most pilots fly only several tens of hours per season (april - october), with the exception of a small number of fulltime professional pilots. Most instructors are parttimers or volunteers, having no more than one or two students at a time, to whom they dedicate their attention for two ye weatherars or so. Ballooning also has developed mostly during the past decade into a substantial activity, meaning that the majority of people presently involved in flying tourists or doing aerial work for sponsors have less than 10 years as P1; very few pilots manage to fly more than 100 hours a year; the average for frequent flyers is closer to 40-50 hours per annum. Thus, good pilots can be found who are sufficiently experienced to give practical instruction (balloons being technically simple) but very likely most of them will not yet have flown 1000 hours, and certainly not given 500 hours of instruction.

In fixed wing operations a lot of instruction can be given on flight simulators, and fixed-wing morotized aircraft can fly in most weather conditions, certainly in conditions that are impossible for balloons. Thus it is far easier for fixed-wing pilots to reach such high numbers of flight hours. There are no simulators for balloons and no reasonable way to do instruction on the ground in place of true flying.

Thus it seems reasonable to set the limits considerably lower for instructors only offering training for the BPL.

comment

900

comment by: Boeing

*AMC 2 to OR.ATO.210*

*Paragraphs 1. and 2.*

*Page 49*

Remove paragraph 1 of this AMC. The requirements for Head of Training are defined in the IR and need not be repeated in the AMC.

**JUSTIFICATION:** The requirements for the Head of Training are sufficiently defined in the IRs. Furthermore, requiring a Head of Training to hold or to have held an EASA professional license is a limiting factor not supported by safety requirements. JAR-FCL 1.055, Appendix 2, paragraph 12, states only that the Head of Training must be acceptable to the authorities.

comment

1095

comment by: CAA Belgium

Proposal: Replace "in accordance with Part-FCL" by "in accordance with ICAO

Annex I".

Reason: see JAR-FCL requirements which were considered as satisfactory.

comment

1665

comment by: CAA CZ

AMC 4 OR.GEN.200(a)(7) 1. a., page 32

~~AMC 2 to~~ OR.GEN.200(b) 3., page 36

AMC 2 to OR.ATO.210 2. (ii), page 49

The use of "shall" in the AMC should be reviewed. E.g. in the requirements for the minimum number of hours (a requirement for FTE, CFI).

comment

1743

comment by: CAE

AMC 2 to OR.ATO.210 (1) page 49

The requirements for the Head of Training are defined in the implementing rules and should not be repeated in the AMC.

Request the removal of paragraph 1 of AMC2. Requiring a Head of Training to hold or have held an EASA professional license is a limiting factor not supported by safety requirements. JAR-FCL 1.055 Appendix 2 Paragraph 12 only states the Head of Training must be acceptable to the authorities.

Reference comment #1742

comment

2287

comment by: CAA Finland

Amend. See my comment 2208

1. Head of Training (HT). The nominated HT **of a n A T O p roviding f light training** should hold or have held ~~in the three years prior to first appointment as an HT,~~ a professional pilot licence and associated ratings issued in accordance with Part FCL, ~~related to the flying training courses conducted.~~

comment

2295

comment by: CAA Finland

Amend. Unclear wording. What are the amounts in ATO giving PPL, CPL, CR and FI training?

(ii) have completed **at least** 1000 hours of flight time as pilot-in-command of which at least 500 hours shall be ~~on flying instructional duties related to the flying courses conducted~~ **as an instructor. The CFI's instructor certificate shall hold at least th e same level of privileges than the FTO i s giving flight training**

~~of which 200 hours may be instrument ground time.~~

comment

2405

comment by: FlightSafety International

Remove the requirement for the Head of Training to hold a licence issued in accprdance with Part FCL. There is no safety reason for this.

The requirements for TK ground instructors and Head of Training and CFI are

defined in the IR and should not be repeated in the AMC.  
 Remove paragraph 8 and 10 of AMC 1.  
 Remove Paragraph 1 of AMC2.

Paragraph 9 sufficiently addresses the requirements for a TKGI. Further, this is repeated from the IRs.

The requirements for the Head of Training are sufficiently defined in the IRs and furthermore requiring a Head of Training to hold or have held an EASA professional licence is a limiting factor not supported by safety requirements. JAR-FCL 1.055 Appendix 2 Paragraph 12 only states the Head of Training must be acceptable to the authorities.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - AMC to OR.ATO.230(c) Training manual and operations manual** p. 49-52

comment 376 comment by: *Aero-Club of Switzerland*

page 50: Training Plan, pre-entry requirements: "Any individual State requirement": What are the writers thinking of? Do you leave a free choice to the NAA? Please state more details.

Justification: We are absolutely not happy with the very open wording proposed by the agency.

comment 377 comment by: *Aero-Club of Switzerland*

Page 51, Training effectiveness: What liaison between departments are you thinking of? Maintenance between training? Training between administration? Please specify!

Justification: The wording chosen is not clear enough!

comment 378 comment by: *Aero-Club of Switzerland*

Page 51, Standards.....: What does the Agency want to express with the stand-alone word "Standardisation"?

comment 380 comment by: *OAA Oxford*

Part 1 - The Training Plan: Why make an allowance for individual State requirements?  
 Recommendation: remove clause

comment 542 comment by: *UK CAA*

**Page No:**  
 49 to 52 of 83

**Paragraph No:** AMC to OR.ATO.230(c)

**Comment:** The requirements for training manuals should be less prescriptive as much of the content is not applicable to organisations offering only type

rating training, particularly on single-pilot helicopters.

**Proposed Text (if applicable):**

Add "as applicable" to opening sentence.

comment

543

comment by: UK CAA

**Page No:**

50

**Paragraph No:** AMC to OR.ATO.230(c) Part 1

**Comment:** The aim of this course is restricted to aeroplane courses. There is no equivalent for helicopters.

**Justification:** Consistency across categories of aircraft.

**Proposed Text (if applicable):** Delete (A) from ATPL, CPL/IR, CPL as applicable

comment

615

comment by: Heliswiss AG, Belp

Training effectiveness

To make sure that a student makes progress, it is often important to have the opinion of another flight instructor. The student may want to change the instructor for personal preferences or other reasons, a flight instructor is leaving, one student takes lessons with various FIs etc. In any case, the changing of an instructor may occur in many circumstances and is not negative for a student. Therefore, it should be possible to change instructors effortlessly. What is important, however, is the communication between the instructors to make sure there aren't any duplicities in the training programme of the student. This shall be achieved with the training records.

Proposition:

Delete

"Procedure for changing instructors"

Delete

"Maximum number of instructor changes per student"

comment

631

comment by: Heli Gotthard

Training effectiveness

To make sure that a student makes progress, it is often important to have the opinion of another flight instructor. The student may want to change the instructor for personal preferences or other reasons, a flight instructor is leaving, one student takes lessons with various FIs etc. In any case, the changing of an instructor may occur in many circumstances and is not negative for a student. Therefore, it should be possible to change instructors effortlessly. What is important, however, is the communication between the instructors to make sure there aren't any duplicities in the training programme of the student. This shall be achieved with the training records.

Proposition:

Delete  
 "Procedure for changing instructors"  
 Delete  
 "Maximum number of instructor changes per student"

comment 654

comment by: *Air Grischa Helikopter AG*

## Training effectiveness

To make sure that a student makes progress, it is often important to have the opinion of another flight instructor. The student may want to change the instructor for personal preferences or other reasons, a flight instructor is leaving, one student takes lessons with various FIs etc. In any case, the changing of an instructor may occur in many circumstances and is not negative for a student. Therefore, it should be possible to change instructors effortlessly. What is important, however, is the communication between the instructors to make sure there aren't any duplicities in the training programme of the student. This shall be achieved with the training records.

## Proposition:

Delete  
 "Procedure for changing instructors"  
 Delete  
 "Maximum number of instructor changes per student"

comment 678

comment by: *Berner Oberländer Helikopter AG BOHAG*

## Training effectiveness

To make sure that a student makes progress, it is often important to have the opinion of another flight instructor. The student may want to change the instructor for personal preferences or other reasons, a flight instructor is leaving, one student takes lessons with various FIs etc. In any case, the changing of an instructor may occur in many circumstances and is not negative for a student. Therefore, it should be possible to change instructors effortlessly. What is important, however, is the communication between the instructors to make sure there aren't any duplicities in the training programme of the student. This shall be achieved with the training records.

## Proposition:

Delete  
 "Procedure for changing instructors"  
 Delete  
 "Maximum number of instructor changes per student"

comment 720

comment by: *Stefan Huber*

## Training effectiveness

To make sure that a student makes progress, it is often important to have the opinion of another flight instructor. The student may want to change the instructor for personal preferences or other reasons, a flight instructor is leaving, one student takes lessons with various FIs etc. In any case, the changing of an instructor may occur in many circumstances and is not negative for a student. Therefore, it should be possible to change instructors effortlessly. What is important, however, is the communication between the instructors to make sure there aren't any duplicities in the training programme

of the student. This shall be achieved with the training records.

Proposition:

Delete

"Procedure for changing instructors"

Delete

"Maximum number of instructor changes per student"

comment

901

comment by: Boeing

AMC to OR.ATO.230(c)

Page 50

Under Training Records, remove "The nature and frequency of record checks."

**JUSTIFICATION:** This is a quality management system (QMS) requirement. It should be addressed in the organization's QMS and only there.

comment

1744

comment by: CAE

AMC to OR.ATO.230(c) page 50

Under "Training Records" remove "The nature and frequency of record checks."

This is a quality system requirement and is defined there.

comment

2296

comment by: CAA Finland

Amend. MP-traiing is not covered + unnecessary repetition.

The flying syllabus (singleengine), the flying syllabus (multiengine), the synthetic flight training syllabus and the theoretical knowledge training syllabus.

comment

2298

comment by: CAA Finland

Amend. Unnecessary duplication.

The general arrangements of daily ~~and~~ **or** weekly programmes

comment

2299

comment by: CAA Finland

Delete. Practical daily change.

~~Bad weather constraints.~~

comment

2302

comment by: CAA Finland

Delete. Reference unnecessary.

A detailed statement of the content specification of all the air exercises to be taught, arranged in the sequence to be flown with main and subtitles. ~~This should normally be the same as the air exercise specification for the flight~~

~~instructor rating course.~~

comment 2445 comment by: *FlightSafety International*  
 Under Training Records remove "The nature and frequency of record checks."  
 This is a quality system requirement and is defined there.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - AMC  
 to OR.ATO.230(d) Training manual and operations manual**

p. 53

comment 616 comment by: *Heliswiss AG, Belp*  
 1. General  
 Administrational structures etc. should be displayed in the Organisation Manual  
 - avoid duplicities!!!!!!  
 Proposition:  
 Move to Organisation Manual  
 "Administration (function and management)"  
 "Responsibilities (function and management)"

comment 632 comment by: *Heli Gotthard*  
 1. General  
 Administrational structures etc. should be displayed in the Organisation Manual  
 - avoid duplicities!!!!!!  
 Proposition:  
 Move to Organisation Manual  
 "Administration (function and management)"  
 "Responsibilities (function and management)"

comment 655 comment by: *Air Grischa Helikopter AG*  
 1. General  
 Administrational structures etc. should be displayed in the Organisation Manual  
 - avoid duplicities!!!!!!  
 Proposition:  
 Move to Organisation Manual  
 "Administration (function and management)"  
 "Responsibilities (function and management)"

comment 679 comment by: *Berner Oberländer Helikopter AG BOHAG*  
 1. General  
 Administrational structures etc. should be displayed in the Organisation Manual  
 - avoid duplicities!!!!!!  
 Proposition:  
 Move to Organisation Manual

"Administration (function and management)"  
 "Responsibilities (function and management)"

comment 684 comment by: *Aero-Club of Switzerland*

The operations manual is too complicated for non-commercial and club-based ATO.

Proposal: Please add a simplified version for non-commercial and club-based ATO.

Justification: A large book is not necessary for a glider school, managed by volunteers and with an output of only a handful pilots a year.

comment 721 comment by: *Stefan Huber*

1. General  
 Administrational structures etc. should be displayed in the Organisation Manual - avoid duplicities!!!!!!

Proposition:  
 Move to Organisation Manual  
 "Administration (function and management)"  
 "Responsibilities (function and management)"

comment 2303 comment by: *CAA Finland*

Amend. On part OPS the OM is clearly defined. More guidance should be copied from that. Now some ATOs find a couple of pages to be enough; some others tens of papers.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 3**

p. 54

comment 1300 comment by: *Irish Aviation Authority*

This section and Chapter 1 have limited the AMC to those ATO's which provide training in FSTD's. Therefore organisations which operate FSTD's but do not themselves offer training are excluded.

Both Section 3 and Chapter 1 titles should be altered to:

**Section 3 – A dditional requirements f or AT Os ope rating providing training-in FSTDs and the qualification of FSTDs**  
**Chapter 1 - Requir ements for ATOs oper ating providing t-raining-i-n FSTDs**

DCr 270509

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - Chapter 1 - AMC 1 to OR.ATO.300(a)(1) General**

p. 54

comment 451 comment by: *FlightSafety International*

**Comment**

Section 2. is titled "Compliance Monitoring System"while Section 3. is titled "Audit Scope"

**Proposal**

Change Section 3. title to "Compliance Monitoring Scope" to be consistent with the terminology of Section 2.

**Impact to FlightSafety**

Keeping section titles consistent will help to eliminate confusion regarding the intention and requirements of each section.

comment 452 comment by: *FlightSafety International*

**Comment**

Section 2. is titled "Compliance Monitoring System"while Section 3. is titled "Audit Scope"

**Proposal**

Change Section 3. title to "Compliance Monitoring Scope" to be consistent with the terminology of Section 2.

**Impact to FlightSafety**

Keeping section titles consistent will help to eliminate confusion regarding the intention and requirements of each section.

comment 544 comment by: *UK CAA*

**Page No:**

54 of 83

**Paragraph No:** AMC 1 to OR.ATO.300 (a)(1)

**Comment:**

Para 3 (Audit Scope) item (x) states the need to monitor "Aircraft modification management". This is perhaps incorrect in relation to an ATO with simulator privileges.

**Justification:**

This part of the AMC is about ATOs using FSTDs. An ATO will not undertake aircraft modification management, but would clearly monitor FSTD configuration management (which will itself have an element of aircraft modification assessment).

**Proposed Text (if applicable):**

Amend item x in AMC 1 to OR.ATO.300 (a)(1) paragraph 3.x. to read: -

x. FSTD configuration management

comment 731 comment by: *Maarten*

What is this? An other flyingclub- and this time also a safety killer? How much time and money has to be spend on a CMP/CMS/CMS programme? I presume

that when a simulator is sold that it complies with the regulations, like an aircraft (with a big difference, a FSTD stays on the ground!). If the FSTD doesn't allow me to write the hours in my flyinglog, then I won't pay to use it. The flyingclubs won't buy an FSTD if the club pilots don't want to use it. I think we don't need a CMP/CMS/CMS programme for this. Please scrap.

comment 950

comment by: INAER

### **AMC 1 to OR.ATO.300 (a) (1) General**

#### **"Compliance Monitoring Programme – ATOs Operating FSTDs"**

Suggested: "**Compliance Management system planning**", or

Argument:

a) System Planning:

It should be used EN ISO 9000:2000, EN ISO 9001:2008, EN ISO 14001:2004 vocabulary as much as possible, to provide legal certainty to the stakeholders.

System planning is defined in element 3.2.9 from ISO 9000:2000, and applied in element 5.4.2 from ISO 9001:2008.

The term "Programme" is applied in international management standards with a different meaning, referring to specific actions (normally for the short term) that include responsibilities, means and compromised dates (see element 4.3.3 EN ISO 14001:2004). It usually has an annual validity, and it has to be rewritten and approved again after that year.

A programme is not the sum of planning of a set of inspections (which are periodically performed) plus the criterias for performing audits to the procedures. (e.g., in GM1 to OR.ATO.300 it specifies that the "compliance monitoring programme monitors the execution of these procedures".)

EN ISO 9000:2000 refers to that concept as "Audit Programme", and no confusion should be introduced between the different concepts in "audits programme, compliance assurance audit schedule (see Paragraph 21, GM1 to OR.ATO.300), assurance system, inspection planning and annual actions for improvement".

"System planning" covers the establishment of both a quality control system (for inspections) and an assurance system (with an annual audit programme). The term "System planning" is more atemporal.

In GM1 to OR.ATO.300 the term "Compliance Monitoring System" as opposed to "Programme" is used.

The comment is valid for the vocabulary used throughout section 3, whenever this terms appears.

b) Management, instead of Monitoring:

- As is stated later (see GM1 and GM2 to OR.ATO.300), the CMS is made of:
- A Compliance Assurance System, with procedures and audits of them, to give confidence
  - A Compliance Control System, to perform inspection to the product or service, to control the quality requirements compliance.

- A Compliance Management system, to set objectives and metrics, and continuously improve the performance of the system.

comment 951

comment by: *INAER*

**AMC 1 to OR.ATO.300 (a) (1), paragraph 2:  
"Compliance monitoring programme"**

Suggested: **"Compliance assurance and compliance control planning"**

The term "programme" is used with a different meaning as in the title, as the audits are not covered.

The term "Monitoring and inspection planning is used in 7.1 and 8.2.4 in EN ISO 9001:2008, for the subjects covered.

Paragraph 19 states that "it is important to understand the difference between Compliance Assurance and Compliance Control".

comment 2276

comment by: *Oxford Aviation Academy*

There is avoidable duplication with respect to the proposed regulations and AMC concerning the compliance monitoring system an Organisation is required to establish. The compliance monitoring system guidance proposed in AMC 1/2 to OR.GEN.200(a)(7) is intended to be generic and appears to be based on JAR-FCL and therefore only addresses training elements. For training organisations operating FSTDs there is additional compliance monitoring system guidance proposed in GM 1 to OR.ATO.300 that goes far more into depth and methodology than that stated in AMC 1 to OR.GEN.200(a)(7), and is obviously based on the JAR-FSTD quality system requirements. A compliance (quality) monitoring system is GENERIC and will address all aspects of an organisation's operations, whether providing basic training, type training, maintenance training, operating FSTDs, or even maintaining own aircraft. The system will be tailored depending on what activities are relevant, and this is actually stated in AMC 1 to OR.GEN.200(a)(7), 4.(a)(iii). We believe that it is not necessary to propose two sets of CMS AMC/guidance because it may lead to the conclusion that organisations providing training activities and operating FSTDs will need to maintain two independent compliance monitoring systems. As far as we understand, if a company is an FSTD operator only (no training conducted) they will still require an ATO approval. Therefore the proposals for a compliance monitoring system need only be stated once. The proposals in this area would appear immature and need more work so that GM 1 to OR.ATO.300 is deleted but with relevant texts incorporated into AMC 1/2 to OR.GEN.200(a)(7), or a new GM 1 to OR.GEN.200(a)(7) developed.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 -  
Chapter 1 - AMC 2 to OR.ATO.300(a)(1) General**

p. 54

comment 453

comment by: *FlightSafety International*

**Comment**

The statement "It is recognized that a Compliance Monitoring System tied to measurement of FSTD performance will probably lead to improving and maintaining training quality." is editorial opinion .

**Proposal**

Remove this statement in it's entirety.

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be. This statement is not backed by factual evidence.

comment 454

comment by: *FlightSafety International***Comment**

The statement "One acceptable means of measuring FSTD performance is as defined and agreed by industry in ARINC Report 433 (May 15, 2001 or as amended) entitled "Standard Measurements for Flight Simulator Quality" is technically inaccurate.

**Proposal**

Change the statement to read: "One acceptable means of measuring FSTD performance is contained in ARINC Report 433 (May 15, 2001 or as amended) entitled "Standard Measurements for Flight Simulator Quality"

**Impact to FlightSafety**

FlightSafety International objects to the statement "agreed by industry". We are the largest single operator of FSTD's in the industry and we did not agree to much of the content of ARINC Report 433.

comment 2277

comment by: *Oxford Aviation Academy*

Same comments as for AMC 1 to OR.ATO.300(a)(1) General

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - Chapter 1 - AMC 3 to OR.ATO.300(a)(1) General**

p. 54-55

comment 545

comment by: *UK CAA***Page No:**

55 of 83

**Paragraph No:** AMC 3 to OR.ATO.300 (a)(1)

**Comment:**

The paragraph numbering is in error. Points number 2 to 4 are bullet points relating to the first paragraph rather than points on their own.

**Justification:**

Editorial Error

**Proposed Text (if applicable):**

Reformat AMC 3 to OR.ATO.300 (a)(1) as follows (numbering only changes: no technical change proposed)

1.A Compliance Monitoring Programme together with a statement acknowledging

completion of a periodic review by the Accountable Manager should include the following:

- a. A maintenance facility which provides suitable BITD hardware and software test and maintenance capability.
- b. A recording system in the form of a technical log in which defects, deferred defects and development work are listed, interpreted, actioned and reviewed within a specified time scale.
- c. Planned routine maintenance of the BITD and periodic running of the QTG with adequate manning to cover BITD operating periods and routine maintenance work.

2. A planned audit schedule and a periodic review should be used to verify that corrective action was carried out and that it was effective. The auditor should have adequate knowledge of BITDs and should be acceptable to the competent authority.

comment 2294

comment by: CAE

What is the purpose of these BITD specific requirements; was it intended for FSTDs?

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - Chapter 1 - GM 1 to OR.ATO.300 General**

p. 55-58

comment

20

comment by: Alteon

GM 1 to OR.ATO.300

7

general

7. ....safety manager....

23. ....training in CMS...

ADD:

7....quality manager....

23....training in QMS....

*Alteon comment:*

Safety and compliance wording could be changed to quality which captures both concepts.

comment

29

comment by: Alteon

DELETE this wording from para 5;

it still remains a requirement for a hardcopy master, with wetink signatures to be held by the applicant.

comment:

If enough electronic control measures are in place no need to keep the burden of wet ink

comment

455

comment by: FlightSafety International

**Comment**

The statement: "An effective CMS is vitally important in supporting operation of the devices, in a structured way, to ensure they remain in compliance with the technical standards of CS-FSTD(A) and CS-FSTD(H) and continue to be effective training tools." is editorial opinion.

**Proposal**

Remove the statement in it's entirety.

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be. It can be proven from decades of operational experience and thousands of training events that a device can be adequately maintained to appropriate technical standards without a Compliance Monitoring System.

comment 456

comment by: *FlightSafety International***Comment**

The requirement for a hard-copy master, with wet-ink signatures, to be held by the applicant negates any value in having electronic documents.

**Proposal**

Remove the requirement for a hard-copy master with wet-ink signatures in cases where electronic masters with digital signatures are used.

**Impact to FlightSafety**

The requirement for a duplicate hard-copy master with wet-ink signatures is a burden on operators who wish to become environmentally responsible and curtail the use of paper documents as much as possible. If suitable controls are in place for the use of electronic masters with digital signatures, there should be no requirement for hard copies.

comment 457

comment by: *FlightSafety International***Comment**

Section 6 in it's entirety is editorial opinion.

**Proposal**

Remove this statement in it's entirety.

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be.

comment 458

comment by: *FlightSafety International***Comment**

Section 7 names the position of Safety Manager and defines certain requirements for this position.

**Proposal**

Change the Safety Manager title to Compliance Manager.

**Impact to FlightSafety**

The position described is that of the Compliance Manager, and adds requirements that actually define the role of a Compliance Manager

comment 459

comment by: *FlightSafety International***Comment**

Section 8 in it's entirety is editorial opinion.

**Proposal**

Remove this statement in it's entirety.

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be.

comment 460

comment by: *FlightSafety International***Comment**

Section 9 again confuses the role of Safety Manager with that of Compliance Manager.

**Proposal**

Change the Safety Manager title to Compliance Manager.

**Impact to FlightSafety**

All references to Safety Manager wherein the requirements are actually that of a Compliance Manager should be corrected as the switching between terms is confusing.

comment 461

comment by: *FlightSafety International***Comment**

Sections 10, 11, 12, and 13 are all editorial opinion.

**Proposal**

Remove these statements in their entirety.

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be.

comment 462

comment by: *FlightSafety International***Comment**

Sections 10, 11, 12, and 13 are all editorial opinion.

**Proposal**

Remove these statements in their entirety.

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be.

comment 463 comment by: *FlightSafety International*

**Comment**

Section 14 imposes end-to-end traceability requirements which are of no use to operators.

**Proposal**

Remove the traceability requirement.

**Impact to FlightSafety**

This requirement provides no useful information for operators of a CMS. It is there merely for the convenience of NAA auditors, few of which currently actually look for evidence that this requirement is met. A comprehensive CMS is a tool for the operator and end-to-end traceability adds no value to the tool.

comment 464 comment by: *FlightSafety International*

**Comment**

Section 15 requires the CMS manual to have "an overview of all processes."

**Proposal**

Change the requirement to state "a list or index of all processes."

**Impact to FlightSafety**

There is no definition of what an overview should contain, and therefore is open to an auditor's interpretation. The CMS manual consists of all the relevant processes so no overview is necessary. A list or index is sufficient.

comment 465 comment by: *FlightSafety International*

**Comment**

Section 15 requires the CMS manual to include, either directly or by reference, the identification of skills and experience and associated training."

**Proposal**

Remove the requirement in it's entirety.

**Impact to FlightSafety**

This requirement forces an operator to make available what in many countries is considered confidential personal information. In addition, with changes of personnel, the CMS manual would be in a constant cycle of revision and approval.

comment 466 comment by: *FlightSafety International*

**Comment**

Section 20 uses the term "product inspections." This term is undefined.

**Proposal**

Change the wording to say "FSTD inspections."

**Impact to FlightSafety**

This change will clarify the intent of the requirement.

comment 467

comment by: *FlightSafety International***Comment**

Section 21 requires that the Compliance audit schedule includes the schedule for each FSTD for fly outs and QTG running throughout the audit year.

**Proposal**

Remove the requirement that fly outs and QTG running be included in the compliance audit schedule.

**Impact to FlightSafety**

Fly outs and QTG running are part of the process for maintaining qualification of the FSTD. That process is audited according to the compliance audit schedule. To break down processes and add individual elements of processes to the audit schedule would result in a massive scheduling document that would be so detailed and complex as to make it unmanageable.

comment 468

comment by: *FlightSafety International***Comment**

Section 23 requires that auditors have knowledge of FSTD requirements and operation, and "expects" that they have received training in CMS and audit techniques. This contradicts other statements within the Rule, and every bit of professional auditor training we have received.

**Proposal**

Change the requirement to state: "Auditors must have training in CMS and audit techniques and an introduction to FSTD requirements and operation. They are not required to have an FSTD support or operations background."

**Impact to FlightSafety**

We have experienced over many years of operating a QS, that good auditors do not have to have experience in FSTD requirements and operation. If they are well-trained in audit technique, a good auditor can audit virtually any process. The requirement to have in effect, FSTD personnel as auditors for the FSTD operation, results in a serious conflict of interest for the auditor.

comment 469

comment by: *FlightSafety International***Comment**

The requirement to maintain independence of the auditors is seriously compromised by previous requirements that auditors have knowledge of FSTD requirements and operation.

**Proposal**

If the proposal to change section 23 of GM 1 to OR.ATO.300 is followed, there will be no concerns about conflict of interest.

**Impact to FlightSafety**

Requiring that auditors be FSTD personnel is a tremendous resource burden to the operator, and provides no better an audit programme. In our experience, the best auditors of FSTD operation and support have been non-FSTD personnel.

comment

470

comment by: *FlightSafety International***Comment**

Section 26 requires that obsolete documents be retained for a period of 5 years.

**Proposal**

Remove the requirement that obsolete documents be retained.

**Impact to FlightSafety**

The requirement to retain obsolete documents imposes an unnecessary financial and resource burden on operators. Obsolete documents are by definition, no longer useful. Storage of them serves no useful purpose. There is some benefit to keep obsolete documents for historic knowledge preservation but that is far beyond the scope of the Rule.

comment

471

comment by: *FlightSafety International***Comment**

Section 27 confuses vendors (suppliers of devices to the operator) with subcontractors who perform CMS services for the operator, and is an editorial opinion lashing out at ISO9000. It attempts to give the Authority a revenue stream for auditing outside the ATO.

**Proposal**

Change this section to state: "The ATO is responsible for compliance to the requirements of the Rule, including the assurance to itself that services provided by subcontractors or devices provided by vendors meet the requirements of the ATO. This may include audits of subcontractors and/or vendors by the ATO."

**Impact to FlightSafety**

The monitoring of subcontracted services such as document control, auditing, device maintenance, etc. within an ATO has always been good business practice. The subject of subcontractors who provide a service and vendors who provide a device has resulted in hours of discussion. Of all NAA auditors we have encountered, only two seem to be confused by the vendor/subcontractor/ATO relationship. One of them obviously wrote this GM. The 'soft requirement' that the Authority may audit sub-contractors is seen by industry as just another attempt at generating revenue, with absolutely no value added to the ATO.

comment

472

comment by: *FlightSafety International***Comment**

Section 28 in its entirety is editorial opinion.

**Proposal**

Remove this statement in its entirety.

**Impact to FlightSafety**

Editorial opinion has no place in a regulatory document, no matter how well-intentioned the statement may be.

comment 473

comment by: *FlightSafety International***Comment**

Section 30 imposes a requirement to compare an individual simulator's performance to that of the ATO's simulator fleet. The section also suggests sharing of data with the simulator manufacturer in hope of addressing possible fleet wide solutions to design issues.

**Proposal**

Change this section to read: "ARINC Report 433 provides guidance on simulator quality metrics."

**Impact to FlightSafety**

The comparison suggested by this section, though it may have business decision benefits, in no way provides data regarding the ability of the particular FSTD to comply with the requirements of the Rule. The attempt by the author to insert the Authority into business decisions of the ATO is not appreciated by the operators.

comment 546

comment by: *UK CAA***Page No:**

55 of 83

**Paragraph No:** GM 1 to OR.ATO.300**Comment:**

A general comment is that this section of GM has been cut and pasted from JAA TGL 9 and should be carefully re-assessed for appropriateness and to eliminate duplication with other parts of AMC and guidance material.

**Justification:**

TGL 9 contains a lot of language and duplication not appropriate to Community regulatory material, even at GM level. A number of UK CAA comments follow relating to this area, but it is clear that the editing activity placed a high level of reliance on TGL 9 without a detailed review and this section should be revisited, taking into account any separate and specific comments made which will assist in such a review.

**Proposed Text (if applicable):**

None: See other comments against this GM.

comment 547

comment by: *UK CAA***Page No:**

55 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 2**Comment:**

The text implying that FSTD operators have many areas of misunderstanding should be deleted.

**Justification:**

This type of comment is not appropriate for regulatory material.

**Proposed Text (if applicable):**

GM 1 to OR.ATO.300 proposed deletion of text in Para 2 (deletions are ~~struck through~~)

2. OR.ATO.375 (b) provides the requirements on what is expected in a CMS. ~~However, the experience of the Authorities indicates that there remain many areas of misunderstanding in the FSTD operating community with regard to CMS.~~ The following guidance has been developed to provide additional material to help both ATOs operating FSTDs and Authorities in developing effective CMS that satisfy the applicable requirements and ensure the highest standards of training are maintained.

comment

548

comment by: UK CAA

**Page No:**

55 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 3

**Comment:**

Propose deletion of text

**Justification:**

Superfluous text deleted for clarity.

**Proposed Text (if applicable):**

Proposed amendment and deletion of text in to Para 3 of GM 1 to OR.ATO.300 (deletions are ~~struck through~~) amendments *italic/underlined*)

3. For ease of use this guidance material has been laid out in the same way as AMC 2 to OR.GEN.200 (a)(7). ~~Although this guidance material uses this AMC as its basis, the~~ *This advice guidance* is equally applicable to other levels of FSTDs and both aeroplanes and helicopters. Where the expected standard differs this has been detailed in the guidance material.

comment

549

comment by: UK CAA

**Page No:**

55 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 4

**Comment:**

Amend Line 4 to correct syntax and for clarity.

Delete final text regarding the facilitation of briefing as this is not strictly true. Reference to the "third" column in isolation is incorrect (should read "second column").

Correct references to "authority" to read "competent authority".

**Justification:**

Line 4 does not read correctly. The primary reason for the guidance is clearly

identified as being to help preparation for competent authority visits. The reference to facilitation of the briefing is part of the authority visit and is therefore duplication. The table has been modified to delete column 1 compared to the TGL 9 version so the reference to third column becomes incorrect.

**Proposed Text (if applicable):**

Proposed amendment and deletion of text in to Para 4 of GM 1 to OR.ATO.300 (deletions are ~~struck through~~) amendments *italic/underlined*)

4. Also included, as Appendices to this guidance material and Subpart are an ATO operating FSTDs Compliance Checklist (GM 2 to OR.ATO.300) and guidance detailing the preparation for a competent authority Evaluation (GM 3 to OR.ATO.300). The Compliance Checklist should be used by the Authorities as a standardised checklist for the elements that are expected in the CMS of an ATO operating FSTDs CMS. The ATO should complete as a minimum the second column of the checklist by providing appropriate manual or procedure references for each of the identified elements of the CMS. Additional information can be provided in the third column to aid assessment of the checklist as appropriate. This would then be provided to the competent Authority. Use of this checklist should assist in ensuring a consistent approach by the competent authority and also provide the ATOs with additional guidance on all the elements of a CMS that the Authorities will expect to be reflected in an effective CMS. The guidance is provided to help ATOs to prepare for competent Authority visits. ~~—and to facilitate the preliminary briefing that is the first step of any initial or recurrent evaluation of a Flight Simulation Training Device carried out by an Authority~~

comment

550

comment by: UK CAA

**Page No:**

55 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 4 (and others)

**Comment:**

The IRs use the term "Competent Authority" throughout. In paragraph 4 of this AMC the term "Authority is used. The term Competent Authority should be used throughout the AMC.

**Justification:**

Consistency of text.

**Proposed Text (if applicable):**

Change the term "Authority" to "Competent Authority" throughout the document as applicable. Note other examples of this comment exist at least in the AMC to OR.ATO.310 (b) and ATO.315.

comment

551

comment by: UK CAA

**Page No:**

55 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 5

**Comment:**

A requirement to hold a hard copy master with wet ink signatures is identified but exactly what needs to be in hard copy is not clear. This should be the CMS Manual (see GM 2 to OR.ATO.300).

**Justification:**

The CMS is constituted in many ways and can consist of a number of documents, but there will be a top-level manual defining organisation structure, responsibilities and quality policy. This would be a suitable master record for signature by the accountable manager.

**Proposed Text (if applicable):**

Add text to GM 1 to OR.ATO.300 Para 5 (amendment *italic and underlined*).

5. The documentation of the CMS may be electronic provided the necessary controls can be demonstrated. This should include control of any paper copies that may be downloaded for use by individuals. It is recommended that any such copies are automatically designated as uncontrolled as part of the download process. Whilst electronic signatures on master documents may be accepted, with appropriate protections, it still remains a requirement for a hardcopy master *of the CMS manual*, with wet ink signatures to be held by the applicant.

comment

552

comment by: UK CAA

**Page No:**

56 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 9

**Comment:**

Confirmation is needed that local representatives have to be acceptable to the local NAA even if the competent authority is with another NAA. Is this not part of any assistance arrangements that are in place under the auspices of Part AR?

**Justification:**

Clarity required.

comment

553

comment by: UK CAA

**Page No:**

56 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 12

**Comment:**

The abbreviation "CMP" in the document should be expanded to show its meaning.

**Justification:**

Editorial clarity. It is the first use of the abbreviation.

**Proposed Text (if applicable):**

In second sentence of paragraph 12, expand as follows:

This is the Compliance Monitoring Programme (CMP) and includes.....

comment

554

comment by: UK CAA

**Page No:**

57 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 13**Comment:**

Delete first sentence

**Justification:**

Editorial clarity. Superfluous text.

**Proposed Text (if applicable):**

Delete the following opening sentence of GM 1 to OR.ATO.300 Para 13:  
~~"Across all aspects of the CMS, and most important to it are the people"~~

comment

555

comment by: UK CAA

**Page No:**

57 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 15**Comment:**

Delete the words "and certainly" in line 2.

**Justification:**

Editorial clarity and correctness.

comment

556

comment by: UK CAA

**Page No:**

Page 57 of 83

**Paragraph No: GM 1 to OR.ATO.300 Para 20****Comment:**

Change last word from " simulator fly-out" to "FSTD evaluation".

**Justification:**

The annual visit from the competent authority is an evaluation, not just a flyout.

**Proposed Text (if applicable):**

Amend last word as follows (underlined/italic)

....includes an inspection element in the form of the annual FSTD evaluation.

comment

557

comment by: UK CAA

**Page No:**

58 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 24**Comment:**

Delete the text discussing the assignment of pilots by an independent ATO.

**Justification:**

Not considered appropriate in style or content for Community regulatory material.

**Proposed Text (if applicable):**GM 1 to OR.ATO.300 Para 24 proposed deletions are shown ~~struck out~~.

24. The routine flyouts of the device are a specialised part of the audit programme. It is essential that the pilots tasked with carrying out these flyouts are adequately experienced. They would be expected to be TRI/TRE qualified on the type, and should have experience of simulator evaluations carried out by the *(competent?)* Authority. ~~The assignment of such pilots can present difficulties, particularly for the independent ATO operating FSTDs not directly associated with an airline. It is vital for the ATO to ensure their users are aware of the importance of the flyouts as part of the continued qualification of the device and the need to assist in the provision of suitably qualified pilots to carry them out. It is worth noting that simulator users are required to satisfy themselves that the training devices they use are assessed for continued suitability, as part of their own CMP. Involvement in flyouts assists in meeting this need.~~

comment

558

comment by: UK CAA

**Page No:**

58 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 25

Comment: at all time should read "at all times" in line 5

**Justification:**

Editorial

comment

559

comment by: UK CAA

**Page No:**

58 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 26**Comment:**

See the UK CAA comment proposing to add most of the information referenced in this paragraph to the list of retained documentation. If that UK CAA comment is accepted, this paragraph could be deleted in its entirety.

**Justification:**

Duplication of information and clarity

**Proposed Text (if applicable):**

Note: deletion proposed subject to amendment of OR.ATO.120 as proposed by UK CAA.

comment

560

comment by: UK CAA

**Page No:**

58 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 28

**Comment:**

Propose the amendment and deletion of text as shown in proposal below.

**Justification:**

The deleted text is inappropriate for inclusion in Community regulatory material and adds no value. The additional text is to identify the Accountable Manager and to clarify the "Representative" as being the local Compliance Monitoring System Representative

**Proposed Text (if applicable):**

GM 1 to OR.ATO.300 proposed amendment and deletion of text in Para 28 (deletions are ~~struck through~~) amendments *italic/underlined*)

~~28. It cannot be emphasised too strongly that for a CMS to be fully effective there has to be buy in from the entire workforce. It is essential, therefore, that a proper understanding of the system and how it applies to each and every staff member is provided by appropriate training to all, not just those directly involved in operating the CMS such as the Accountable Manager, Safety Manager, Local Compliance Monitoring Representative and the Auditors. The training given to those directly involved in the CMS should cover the CMS, audit techniques and applicable technical standards. CMS familiarisation training should be an integral part of any induction training and recurrent training. Update training on technical standards for audit personnel, is also of particular importance.~~

comment

561

comment by: UK CAA

**Page No:**

58 of 83

**Paragraph No:** GM 1 to OR.ATO.300 Para 29

**Comment:**

Propose amendment to text to refer to management reviews.

**Justification:**

Apart from review by the authorities, the prime purpose of the metrics is to

allow analysis and trend monitoring as part of the management evaluation and feedback system to the Accountable Manager. This needs to be reflected in the GM.

**Proposed Text (if applicable):**

GM 1 to OR.ATO.300 proposed amendment of text in Para 29 (amendments *italic/underlined*)

29. Any effective CMS will include measurement of its effectiveness. The ATO should develop performance measures that can be monitored against objectives. Such measures, often referred to as Metrics, should be reviewed by the Authority as part of its oversight of the CMS within the ATO and during recurrent evaluations. In addition they should form part of the data reviewed during scheduled management reviews as part of the CMS.

comment

732

comment by: Maarten

7. - ".....accountable manager and safety manager have to be acceptable to the Authority....."?? Acceptable on which grounds? Blue eyes? Big breasts? Most flyingclubs have people to look after the money and safety, but are they acceptable? Definition unclear(able) so scrap.

- "..... Authority should be satisfied....."?? With how much bottles of whisky or crates of beer? Definition unclear(able) so scrap.

This section 7 (and not only this section!!) is open to all good and especially bad interpretations who will give the opposite effect of what is intended and that is good trained pilots, because it takes funds and time away, whom could be spend on safe training in flyingclubs with FTSD's.

9. - What are "....small organisations....."?? One plane, one pilot, one staff, one manager, one instructor, one FTSD, one .....? This is the bottleneck of the whole ATO easa project. Small organisations are at least all non-profit flyingclubs. Definition unclear. Or scrap a lot more in the ATO regulations or create a clear exception for small ATO with FTSD.

comment

952

comment by: INAER

Paragraph 6, GM1 to OR.ATO.300

**"...and a Compliance Monitoring Programme (CMP) to monitor the execution of these procedures"**

Suggested: **"...and an Audit Programme to monitor the execution of these procedures"**

Argument: Use the international terms defined in 3.9.2 ISO 9000:2000, to provide legal certainty to the stakeholders and avoid confusion. If the term is maintained, it should be defined clearly what is a CMP (e.g., does it include an "Inspection Planning", "Compliance Control" or just "Audit programme"?)

comment

953

comment by: INAER

Paragraph 6, GM1 to OR.ATO.300

**The accountable Manager and the Safety Manager have to be acceptable to the Authority.**

Suggested: This is a requirement, not guidance material. Therefore, if it is maintained, it should be a requirement in Part OR.

comment 954 comment by: INAER

Paragraph 6, GM1 to OR.ATO.300

**Term "Safety Manager":**

Is the Safety Manager specific for the ATO, or is one post for the whole Organization.

comment 955 comment by: INAER

Paragraph 6, GM1 to OR.ATO.300

**Term "Safety Manager":**

It should be clarified if the safety manager is the former "FSTD quality manager", or it is a new role that has to be coordinated with the "FSTD quality manager".

comment 956 comment by: INAER

Paragraph 8+27, GM1 to OR.ATO.300

**Term "ISO 9000"**

The term "ISO 9001" should be used, as it is the standard with requirements. ISO 9000 provides fundamental and vocabulary.

comment 957 comment by: INAER

Paragraph 8, GM1 to OR.ATO.300

**"ISO 9001 may not provide full compliance with all elements of the applicable requirements".**

It's not correct, as ISO 9001 requires compliance with all legal and regulatory requirements (see 5.1, 5.3, 7.2.1, and 7.3.2), which in the future includes also PART GEN, ATO, ...).

(A different question is whether an ISO 9001 certification is reliable or not to the Authority)

comment 958 comment by: INAER

Paragraph 9, GM1 to OR.ATO.300

**"and have the necessary direct reporting lines to the overall Safety Manager and Accountable Manager".**

Suggested:

"and have the necessary direct reporting lines to the overall Safety Manager".

Argument: The direct reporting line should be guaranteed with the hierarchical dependence. The Safety Manager is the one who reports the Accountable Manager with operational incidents and non-compliances.

comment 959 comment by: INAER

**1) Paragraph 9, GM1 to OR.ATO.300**

**"In most cases,** it will also be necessary to ensure that local Representative are also acceptable to the local NAA"

Suggestion: **Eliminate the sentence.**

Argument: Provides legal uncertainty and discretionary authority decisions. Delegated responsibilities must not be under the supervision of the NAA.

comment 960

comment by: INAER

Paragraph 10, GM1 to OR.ATO.300

**"The CMS as a whole begins... for example, Health and Safety Codes".**

**Suggestion: Eliminate any reference to HS**

**Argument:** Health and Safety is a discipline out of the object of a Compliance Monitoring System. In fact, EASA is not competent in providing Opinions in Health and Safety requirements, nor the NAA approving H&S procedures. The person in charge of Health and Safety requirement compliance is a different one (with different legal background) to the Safety Manager.

comment 961

comment by: INAER

Paragraph 10, GM1 to OR.ATO.300

**" The CMS ... and the compliance Monitoring objectives, such as defect rates, and rectification intervals..."**

Suggestion: Either eliminate, or change the term "CMS" to "Compliance management System (CMS)".

Argument: A CMS is a quality assurance system (see EN ISO 9000:2000, part 3.2.11), and not a management system (see EN ISO 9000:2000, part 3.2.8). Objectives setting and monitoring is part of a management system, and it can be dealt by a different manager from the Safety Manager in the organization.

comment 962

comment by: INAER

Paragraph 13 and 18, GM1 to OR.ATO.300

"all the above would be documented in a manual and a procedures manual with ...."

Suggestion:

"all the above would be documented in a manual and a set of procedures with ...."

Argument: If a document hierarchy is to be established, the manual is a top document, and the set of procedures the next level. Therefore, the term "manual" should be avoided to refer to the procedures.

comment 963

comment by: INAER

Paragraph 17, GM1 to OR.ATO.300

**"The CM S docu mentation als o includes all recor ds such as technical logs, ..."**

Suggestion: "The CMS documentation also includes **all forms for the records** such as technical logs, ..."

Argument: A record is the evidence of the result of an activity, and its controlled associated document is the form.

comment 964

comment by: *INAER*

Paragraph 17, GM1 to OR.ATO.300

**"Any effective CMS will include measurement of its effectiveness. The ATO should develop performance measures that can be monitored against objectives".**

**Suggestion:** If the performance is to be measured (and shown to the Authority), the CMS is not a Compliance Monitoring System, but a "Compliance Management System", used to control and manage the ATO regarding safety performance.

**Argument:** See EN ISO 9000:2000 standard, paragraph 3.2.8 and 3.2.11.

comment 2028

comment by: *AIRBUS*

According to the NPA, the CMS functions are held by the Accountable Manager or the Safety Manager. EASA should add the possibility for ATO operating FSTDs to appoint a Compliance Monitoring Manager. The GM 2 to OR.ATO.300 should also be modified accordingly.

comment 2279

comment by: *Oxford Aviation Academy*

There is avoidable duplication with respect to the proposed regulations and guidance concerning the compliance monitoring system an Organisation is required to establish. The compliance monitoring system proposed in AMC 1 to OR.GEN.200(a)(7) is intended to be generic and appears to be based on JAR-FCL and therefore only addresses training elements. For training organisations operating FSTDs there is additional compliance monitoring system guidance proposed in GM 1 to OR.ATO.300 that goes far more into depth and methodology than that stated in AMC 1 to OR.GEN.200(a)(7), and is obviously based on the JAR-FSTD quality system requirements. A compliance (quality) monitoring system is GENERIC and will address all aspects of an organisation's operations, whether providing basic training, type training, maintenance training, operating FSTDs, or even maintaining own aircraft. The system will be tailored depending on what activities are relevant, and this is actually stated in AMC 1 to OR.GEN.200(a)(7), 4.(a)(iii). We believe that it is not necessary to propose two sets of CMS AMC/guidance because it may lead to the conclusion that organisations providing training activities and operating FSTDs will need to maintain two independent compliance monitoring systems which is anathema. As far as we understand, if a company is an FSTD operator only (no training conducted under its approval) they will still require an ATO approval. Therefore the proposals for a compliance monitoring system need only be stated once. The proposals in this area would appear immature and need more work so that GM 1 to OR.ATO.300 is deleted but with relevant texts incorporated into AMC 1 to OR.GEN.200(a)(7), or a new GM 1 to OR.GEN.200(a)(7) developed.

The following are additional comments related to GM 1 to OR.ATO.300 with a reference back to AMC 1 to OR.GEN.200(a)(7).

1. Referring to ISO 9000 and its principles in relation to aviation regulation and compliance monitoring systems is dangerous. The ISO model proposes a 'total integrated system approach', of which an aviation CMS will be a part. To say that ISO does not cover all compliance areas required by aviation requirements is factually wrong!
2. Texts refer to the Safety Manager. AMC 1 to OR.GEN.200(a)(7) refers to 'a manager'.
3. Texts refer to audit and auditing. AMC 1 to OR.GEN.200(a)(7) refers to monitoring.
4. The Compliance Monitoring Assessment list is based on JAR-FSTD TGL9 and is very detailed. The compliance checklist related to AMC 1 to OR.GEN.200(a)(7) is the reverse and will result in duplication. For example, organisations only need to state ONCE who the accountable manager is and 'are they acceptable to the Authority' only once, not in more than one checklist.
5. References to Health and Safety – why only in GM 1 to OR.ATO.300 and not in AMC 1 to OR.GEN.200(a)(7).

The above comments point to general inconsistencies and non-standardisation in the CMS approach between the 2 proposals. Oxford Aviation Academy believes the foundation of these new proposals is good, but the area needs further harmonisation, amending and maturity. In this way EASA will be following their own 'holistic method' in the management system approach, and building on the CORA group's vision. We only need ONE quality (compliance) system in an ATO.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - Chapter 1 - GM 2 to OR.ATO.300 General**

p. 59-69

comment

21

comment by: *Alteon*

GM 2 to OR.ATO.300

FSTD checklist

*Alteon comment:*

Recommend to keep the regulatory reference column in the table to have a track of requirements met

comment

474

comment by: *FlightSafety International*

**Comment**

The last block on the page, "item d) major failures of a qualified device" has resulted in much confusion about what constitutes a major failure, and when, how, and who is to be notified. The EASA Experts Group could not come to consensus on this issue.

**Proposal**

Remove the requirement to report major failures of a qualified device.

**Impact to FlightSafety**

This requirement is vague and open to interpretation by ATO's and the various inspectors within the Authority. Until such time as a definition of a major failure and reporting procedure and time frame is agreed, this requirement should be removed. It imposes a requirement that is so variable as to be meaningless and impossible to implement.

comment 475

comment by: *FlightSafety International***Comment**

This section takes what have been "suggested metrics" when referred to in all other parts of the rule and makes them auditable requirements.

**Proposal**

Change the wording to "Do the quality measures track, for example:

- a) FSTD availability
- b) number of defects
- c) open defects
- d) defect closure rates
- e) training session quality ratings

**Impact to FlightSafety**

FSTD quality metrics should be meaningful information to the ATO. Each ATO needs to determine what data provides it the most useful information regarding the quality of it's FSTDs, thus the examples may fit most situations, whilst other data may be more appropriate for a different FSTD or situation.

comment 562

comment by: *UK CAA***Page No:**

61 of 83

**Paragraph No:** GM 2 to OR.ATO.300 (the CMS compliance checklist)

**Comment:**

This is the first of a series of UK CAA comments addressing the CMS table in GM 2. Each has been provided separately to make them easier to review and implement. A lack of reference in the boxes (the deletion of column 1 compared to the original JAA TGL) makes it more difficult to identify the text under review.

Last Box page 61 refers to management reviews and asks if they are carried out and how often: Propose to change the text to set criteria for management review at least quarterly.

**Justification:**

Based on UK CAA audit experience, quarterly seems to be the maximum period that can be tolerated to assure that management review can identify trends quickly enough to be corrected in a timely manner (as required from a CMS). The current text asks for a period but gives no guidance on what is acceptable.

**Proposed Text (if applicable):**

Propose replace the text of Last Box on Page 61 of GM 2 to OR.ATO.300 with: -

"Are management reviews of the CMS held at least quarterly"

comment

563

comment by: UK CAA

**Page No:**

62 and 63 of 83

**Paragraph No:** GM 2 to OR.ATO.300 (the CMS compliance checklist)**Comment:**

Propose to amend the text of bullet point (a) in the second box on this page to clearly allow compliance to be shown and to allow deletion of two items on page 63.

**Justification:**

The GM is designed to ensure the system is in place. There is no need therefore to ask for any results from a system that may not yet be in full effect. The proposed revision to page 62 defines the required process and the deletions of unnecessary items on page 63 eliminate duplication and also remove the need for the applicant to declare findings (which will form part of the ongoing audit activity of an established CMS).

**Proposed Text (if applicable):**

Amend bullet (a) in second box page 62 of GM 2 to OR.ATO.300 as follows: -

(a) Schedule and perform quality inspections and audits (including unscheduled audits as required).

Delete second, third and fourth checklist items on page 63 of GM 2 to OR.ATO.300.

comment

564

comment by: UK CAA

**Page No:**

63 and 64 of 83

**Paragraph No:** GM 2 to OR.ATO.300 (the CMS compliance checklist)**Comment:**

It is not relevant to ask if follow on audits have actually been carried out, whether audit non-compliances have been found, or if corrective actions implemented. The answers can only be yes or no and add no value to the responses. Delete the boxes on page 63 that ask those questions.

**Justification:**

This GM is designed to assure that a CMS is in place having the right procedures or controls. To look at the outcome is a function of the routine auditing. Whatever the answer, it gives no evidence as to the compliance with, or effectivity of, the system.

**Proposed Text (if applicable):**

Propose **deletion** of the following questions from the checklist on Page 63 and 64 of GM 2 to OR.ATO.300: -

- Have audit non-compliances been identified (page 63)
- Have corrective actions been identified and implemented. (Page 63)
- Have any follow on audits taken place to verify that corrective actions

were a) taken and b) effective (page 64 first box)

- Have corrective actions re-established compliance with the standards required by the Authority and any additional requirements defined by the ATO (page 64 item 2)

comment 565

comment by: UK CAA

**Page No:**

64 of 83

**Paragraph No:** GM 2 to OR.ATO.300 (the CMS compliance checklist)

**Comment:**

The audit checklist item covering document retention policy would be better placed on page 66 after the box talking about content of the CMS manual that relates to the retention policy.

**Justification:**

It is logical to identify the need for retention policy then ask what it consists of rather than to define it first and then subsequently ask if it is a policy.

**Proposed Text (if applicable):**

No change to text. Move retention policy checklist item on page 64 to be the last item (currently) on page 66.

comment 566

comment by: UK CAA

**Page No:**

66 of 83

**Paragraph No:** GM 2 to OR.ATO.300 (the CMS compliance checklist)

**Comment:**

Propose to move item 2 on page 66 to become the first item in section 5 (Compliance Measures) on page 68.

**Justification:**

This box asks if compliance measures and objectives have been established. The rest of section 5 follows logically from that question.

comment 733

comment by: Maarten

For flyingclubs with a FTSD this is just to complicated and to costly and in the long end doesn't contribute to safety. I thus won't go over the questions asked (like: is the safety manager acceptable? or; does the accountable manager have corporate authority?????) who seem to me complete useless in a certain way. Excuse me.

comment 965

comment by: INAER

GM2 to OR.ATO.300, **Page 61**

**"Evaluation of the effectiveness of the corrective action programme"**

Suggestion: **"Evaluation of the effectiveness of the corrective actions"**

**taken”**

Argument: There is no programme for the corrective actions. The corrective actions are taken as they appeared to be necessary to correct the cause of the non compliance.

comment

966

comment by: *INAER*

GM2 to OR.ATO.300, Page 62

**“a. Perform quality inspections and audits as part of ongoing Compliance Assurance”**

Suggestion:

**“a. Perform quality inspections as part of ongoing Compliance Control.  
b. Perform quality audits as part of ongoing Compliance Assurance”**

**Argument:** See Paragraph 19, GM1 to OR.ATO.300

comment

967

comment by: *INAER*

1) GM2 to OR.ATO.300, Page 64

**“Have any follow up audits taken place in order to verify...”**

**Suggestion: “Have any follow up actions taken place in order to verify...”**

Argument: Only the evidences for the implementation of the corrective action have to be followed, but no audits have to be rescheduled.

comment

968

comment by: *INAER*

1) GM2 to OR.ATO.300, Page 64

**“Is there an acceptable and effective procedure for providing a briefing on the CMS to all personal”**

Suggestion: **Eliminate that requirement.**

**Add: “Do all personal know the safety management system policy and the applicable procedures?”**

Argument: The personal must know any responsibility they have regarding the CMS, but no “standard” briefing has to be provided to everybody. The most, the safety policy should be known by everybody.

comment

969

comment by: *INAER*

1) GM2 to OR.ATO.300, Page 65

**“Is there an acceptable and effective procedure for ensuring that all those responsible for managing the CMS receive training covering**

**a.- An introduction to the concept of CMS**

**b.- Compliance Management**

**c.- The concept of Compliance Assurance**

**d.- CMS Manual**

**e.- Audit Technics**

**f.- Reporting and Recording**

**g.- How the CMS supports continuous improvement within the organization**

Suggestion:

**"Is there an acceptable and effective procedure for ensuring that all those responsible for managing the CMS receive training covering**

**a.- CMS: Compliance Management, Compliance Control and Compliance Assurance**

**b.- CMS Manual and procedures**

**c.- Audit Technics"**

Argument: Reporting and recording, and continuous improvement is part of the CMS, and no specific training is required.

comment

970

comment by: *INAER*

1) GM2 to OR.ATO.300, Page 66

"Have compliance monitoring objectives been developed from the policy statement?

Suggestions: "Have objectives been set from the policy statement?"

Argument: The objectives are part of a management system, not from a monitoring system.

comment

971

comment by: *INAER*

1) GM2 to OR.ATO.300, Page 66

**"Is the CMS Manual signed by the Accountable Manager and the Safety Manager?"**

Suggestion:

**"Is the CMS Manual approved by an authorized person from the organization?**

**Does the CMS contain a commitment from the Accountable Manager to comply, and to make sure that everybody in the organization comply with the CMS Manual?"**

Argument:

The company Management has to decide who has the responsibility and authority to approved internally the manuals and procedures. The Accountable Manager has to commit with those requirements, and the Safety Manager has to report the AM about the non compliances and any improvement that has to be made.

comment

972

comment by: *INAER*

1) GM2 to OR.ATO.300, Page 66

**"Does the CMS Manual define procedures to ensure compliance with Health and Safety Regulations?**

Suggestion: **Eliminate the requirement**

Argument: EASA is not competent in HS issues.

They should be dealt, but not necessarily in the CMS Manual, and they will probably be approved by a different person.

<b>Chapter 1 - GM 3 to OR.ATO.300 General</b>
---

comment 30 comment by: Alteon

4  
Failure tabulation including categorisation of failures (ATA chapter by ATA chapter....

comment: Suggest delete as no relevant/useful all the times to FSTDs and put a further burden on operators to tabulate this

comment 205 comment by: DGAC FRANCE

GM3 to OR.ATO.300, : paragraph 4, item 5

In the dossier prepared by the FSTD operators to support the preliminary briefing which is a first step of a simulator evaluation, FSTD operators propose sometimes commercial data and rates which are much less relevant than the technical ones. This has to be clarified.

The following sentence is proposed:  
***“Technical reliability data..... ; technical availability rate.***

comment 476 comment by: FlightSafety International

**Comment**  
Item 7 in the list - Operational data: a list of the simulator users during the 12 last months should be provided with number of training hours;  
This item requires the operator to provide confidential business data.

**Proposal**  
Delete this requirement

**Impact to FlightSafety**  
The data requested is confidential business data and has absolutely no bearing on the ability of the device to meet technical standards for continued qualification. Further, discussions with NAA simulator inspectors has revealed that they have no interest in the data. Despite assurances of the confidentiality of such data, we have in the past been provided inadvertently with data for our competitors.

comment 477 comment by: FlightSafety International

**Comment**  
Item 8 on the list - Failure tabulation including categorisation of failures (ATA chapter by ATA chapter and Pareto diagram, ARINC classification) is meaningless in a FSTD environment

**Proposal**  
Change the item to state "Failure tabulation including categorisation of failures."

**Impact to FlightSafety**  
Categorisation of FSTD failures by ATA chapter or ARINC classification is

useless in the FSTD environment. For example, what would be categorised as a fuel system failure in an aircraft, if categorised as such in an FSTD, would be misleading at best, as there is only a simulated fuel system and a fault manifesting itself in the simulated system might be caused by software, interface devices, host computer memory problems, etc. The categorisation of faults needs to provide meaningful information to the FSTD operator and therefore needs to be categories that are specific to FSTDs, not aircraft.

comment

567

comment by: UK CAA

**Page No:**

69 of 83

**Paragraph No:** GM 3 to OR.ATO.300 para 3**Comment:**

The sixth bullet refers to "additional capabilities" and provides a list of such capabilities. These capabilities are some, but not all, of the possibilities. The list in parentheses should be highlighted as examples.

**Justification:**

It is important to make sure that all additional capabilities are addressed, not only those identified in this bullet.

**Proposed Text (if applicable):**

Change parentheses to add "e.g", as follows:-

.....(e.g. Snow Model, WGS 84 compliance, EGPWS);

comment

568

comment by: UK CAA

**Page No:**

69 and 70 of 83

**Paragraph No:** GM 3 to OR.ATO.300 (the CMS compliance checklist)**Comment:**

Item 3 defines a dossier for initial evaluations that unnecessarily requires recent and planned modifications to be listed. A reference to additional white pages to take notes is irrelevant and unnecessary. Delete both items.

**Justification:**

This is not appropriate for an initial evaluation. An initial evaluation reviews a standard for the first time and therefore an FSTD being presented for an initial qualification cannot be considered as "modified". Planned future modifications are part of the normal CMS controls and irrelevant directly to the initial evaluation.

**Proposed Text (if applicable):**

Delete the following items from the dossier list for initial evaluations in paragraph 3 of GM 3 to ATO.300 (page 69)

- recent and planned modifications
- additional white pages for evaluation

Delete the following items from the dossier list for recurrent evals in paragraph 4 of GM 3 to ATO.300 (page 70).

-additional white pages for evaluation.

comment 734

comment by: Maarten

Well same remarks; would all this backoffice paper work contribute to safety if all this useless paperwork will decide an flyingclub not to buy a FTSD to enhance the safety of their pilots?

comment 2092

comment by: CAE

The requirements for the list of "simulator users" during a recurrent evaluation should be removed; data showing FSTD utilization is generally provided for such an evaluation and is adequate for the purpose.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - Chapter 1 - AMC to OR.ATO.310(a) Modifications**

p. 70

comment

31

comment by: Alteon

...In addition to ADs, the FSTD operator also needs to put....

comment:

Typo error insert FSTD instead STD

comment

569

comment by: UK CAA

**Page No:**

70 of 83

**Paragraph No:** AMC OR.ATO.310 (a) Para 2

**Comment:**

Delete the text relating to users and differences list.

**Justification:**

These requirements are solely aimed at the ATO. Users of the device will be customer airlines with defined aircraft standards. The responsibility for defining the training needs in relation to the differences between aircraft and fleet are not for FSTD requirements, only the need to understand at any given time the configuration in place (i.e. configuration management as part of the CMS). There is a possible case to put such information in other areas of the IRs relating to defining training requirements.

**Proposed Text (if applicable):**

Amendment proposed is to delete the ~~struck-out~~ text as shown below in paragraph 2 of AMC to OR.ATO.310 (b). Remainder is unchanged except for reference to "simulator" changed to "FSTDs" for consistency in last line.

2. ~~Users of the device should always be required to produce a differences list for any~~

~~device they intend to use, and to identify how any differences should be covered in training. In order~~ To ensure each device is maintained in the appropriate configuration, the ATO operating a FSTD should have a system that ensures that all relevant Airworthiness Directives (ADs) are introduced on affected FSTDs.

comment

570

comment by: UK CAA

**Page No:**

70 of 83

**Paragraph No:** AMC OR.ATO.310 (a) Para 3**Comment:**

Editorial changes.

**Justification:**

Clarity.

**Proposed Text (if applicable):**

Proposed amendment and deletion of text for AMC OR.ATO.310 (a) Para 3 (deletions are ~~struck through~~) amendments *italic/underlined*.

~~3. In order to do this~~ ATOs are reminded that ADs from both the State of Design of the aircraft and the State where the FSTD is located need to be monitored. ~~It is common for~~ ADs from the State of Design *of an aircraft* ~~to be~~ *are usually automatically adopted* applicable, unless specifically varied by the *aircraft's* State of Registry.

comment

571

comment by: UK CAA

**Page No:**

70 of 83

**Paragraph No:** AMC OR.ATO.310 (a) Para 4 and 5**Comment:**

....STD should read ...FSTD (line 2 of paragraph 4)  
Add text to Paragraph 4 and delete paragraph 5

**Justification:**

Editorial change to terminology and deletion of inappropriate speculative text regarding the aircraft manufacturer and a reluctance to provide data in paragraph 5. The text can be streamlined by deleting paragraph 5 and adding a few words to paragraph 4.

**Proposed Text (if applicable):**

Changes to AMC OR.ATO.310 (a) Para 4 in *italic and underlined*

4. It may also be necessary to monitor ADs issued by states where users of the device have aircraft registered. In addition to ADs, the FSTD operator also needs to put in place processes that ensure all aircraft modifications are reviewed for any effect on training and testing. This should usually require a review of the aircraft manufacturers Service Bulletins and may require a

specific link to the aircraft manufacturer to be developed. *In practice, this link is often established through aircraft operators who use the device.*

Paragraph 5 is deleted.

comment 770 comment by: *European Regions Airline Association*

AMC to OR.ATO.310 4. states

"the STD operator also needs to put in place processes that ensure all aircraft modifications are reviewed for any effect on training and testing"

Whilst ERA can understand the need for embodiment of any modification required by an AD, it finds it difficult to understand how an ATO would monitor embodiment of those "discretionary" modifications as may be issued from time to time. Can the Agency clarify this requirement by providing examples of such modifications, together with suggested means that an ATO could use to monitor the issuance of the same.

comment 779 comment by: *European Regions Airline Association*

AMC to OR.ATO.310(a) 5. states "It may be necessary for this link to be created through the users of the device, as some aircraft manufacturers have been reluctant to share such information directly with ATOs operating FSTDs who are not also aircraft operators."

As has been reported by ERA in the past, EASA should enforce the requirement that OEMs provide all Instructions for Continued Airworthiness (ICA), and in ERA's opinion this comes under the category of ICA, to all entities that require it, be they ATOs, MROs or any third party organisation that has an effect on the airworthiness of a product or appliance.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - Chapter 1 - AMC to OR.ATO.310(b) Modifications**

p. 71

comment 572 comment by: *UK CAA*

**Page No:**  
71 of 83

**Paragrap No:** AMC OR.ATO.310 (b)

**Comment:**

1. The fact that it has proven difficult to define what is a major change is not considered appropriate regulatory text. Propose change to opening paragraph.
2. Additional bullets added ((e) and (f)) which have been extracted from OR.ATO.380 that also define major changes.
3. Format is erroneous. Points 2 through 5 are in fact, sub bullets of the opening paragraph.
4. Can delete the repeated reference to an item being major and some minor editorial changes are proposed.
5. Propose reword of para 4 for clarity.

**Justification:**

It is appropriate to say these are examples of what are considered major changes and list them. Reformatting is editorial comment. Additional bullets are for consistency and to avoid confusion by having definitions of major changes in 2 places (see UK CAA comment for OR.ATO.380 which deletes the bullet points e and f added here from that paragraph). Clarity is needed of the requirement for the ATO to have an acceptance process for all modifications.

**Proposed Text (if applicable):**

Proposed AMC to OR.ATO.310 (b) Modifications (Amendments in italic and underlined)

1. The following are examples of modifications that would be considered as major. This list is not exhaustive list and modifications need to be classified on a case by case basis: -

- a. Any change that affects the QTG
- b. Introduction of new standards of equipment such as FMGCs and updated aerodynamic data packages.
- c. Rehosting of the FSTD software
- d. Introduction of features that model new training scenarios; e.g., TCAS, EGPWS

e. Aircraft modifications which could affect the FSTD qualification

f. FSTD hardware or software modifications that could affect the handling qualities, performance or system representation

2. ATOs are reminded that the requirement is for the Authority to be notified of such changes.

3. This does not mean that the Authority will always wish to directly evaluate the change.

The Authority should be mindful of the potential burden placed on the ATO by a special evaluation and should always consider that burden when deciding if such an evaluation is necessary.

4. The ATO should have an internal acceptance process for modifications, to be used when implementing all modifications, even if the competent authority has made a decision to carry out an evaluation.

comment

724

comment by: ALSIM Simulateurs

Proposed text:

2. Any change that affects **FSTD validation tests results** should always be considered major.

Comment:

QTG is to be understood as the complete documentation (description + FSTD validation tests + validation data).

Thus, it would not be acceptable to consider syntax, semantic, documentation or new QTG capability (or characteristic) changes as major if those changes have no impact on the FSTD validation tests results.

comment

2096

comment by: CAE

No timelines are provided! suggest that prescribed time lines are specified for notification and approval. FAR Part-60 requires a 21 day notification prior to the modification.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 -  
Chapter 1 - AMC to OR.ATO.315 Installations**

p. 71

comment

735

comment by: *Maarten*

Excuse, but; I wouldn't fly in an flyingclub or aircraft which I don't like. The same would be for a FTSD that stays on the ground. Will this "315" create something that would change my mind? If I am sound to fly, I think I am sound to judge if the installations are correct. Maybe created a exeption for "small" FTSD's in non-profit flyingclubs?

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 -  
Chapter 1 - GM to OR.ATO.315 Installations**

p. 71-72

comment

574

comment by: *UK CAA***Page No:**

71 of 83

**Paragraph No:** GM to OR.ATO.315**Comment:**

Propose deletion and putting it in the CS specification.

**Justification:**

This GM is known JAA TGL material and is technically accepted material, but is not about the procedures associated with application. It would be better placed as GM in the CS specification.

**Proposed Text (if applicable):**

Not Applicable: EASA to determine best placement in CS specifications.

comment

595

comment by: *UK CAA***Page No:**

71 of 83

**Paragraph No:** GM to OR.ATO.315 Para 2**Comment:**

Propose deletion.

**Justification:**

Part OR is a section for Organisational Requirements. This paragraph places obligations on a Competent Authority, which would form part of the normal CMS auditing process.

**Proposed Text (if applicable):**Text to be deleted is ~~struck through~~.

GM to OR.ATO.315 Installations

1. The intent of this requirement is to establish that the ATO operating a FSTD

has all the necessary procedures in place to ensure that the FSTD installation remains in compliance with all requirements affecting the safety of the device and its users.

~~2. The Authority should routinely audit the procedures to establish that they are properly implemented and effective, but should not, necessarily, carry out checks directly.~~

comment 725

comment by: *ALSIM Simulateurs*

Proposed text:

5. It is acceptable to develop a procedure that protects elements of the device by shutting them down in advance, in a more controlled manner, provided it can be shown that the procedure still demonstrates the whole device can be shut down by the operation of a single emergency stop button, when required. Exception can be made for projectors as shutting them down before the end of the cooling fan cycle can result in a fire.

Comment:

Projectors manufacturers themselves usually prescribe to not shut down projectors before the end of the cooling fan cycle. Otherwise it can result in a fire.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 - Chapter 2 - AMC to OR.ATO.350 Application for FSTD qualification**

p. 73-76

comment 8

comment by: *MVA*

Application for FSTD qualification: In Part A, the 2 text lines just below the table should be deleted, because the applicant seeks for a qualification in general. It is under the responsibility of the authority to provide grandfather rights or an interim qualification level.

comment 483

comment by: *Thales Training & Simulation*

**AMC to OR.ATO.350 Application for FSTD qualification PART A**

The template letter of application quotes " The QTG will be submitted by <date> and in any event not less than 30 days before the requested evaluation date unless otherwise agreed with the competent authority." The 30 days is in conflict with the 21 days quoted in AMC 1 to AR.ATO.200(a)(1) Initial evaluation procedure paragraph 2.

comment 484

comment by: *Thales Training & Simulation*

**AMC to OR.ATO.350 Application for FSTD qualification PART B**

The template letter refers to the MQTG. The MQTG does not exist until the FSTD has been qualified, so we should change MQTG to QTG.

comment 485

comment by: *Thales Training & Simulation*

**AMC to OR.ATO.350 Application for FSTD qualification PART C**

The structure of Part C implies that the Functions and Subjective tests can be completed not less than 7 days prior to initial evaluation. The rationale for this is the requirement for the pilot's signature and the comments:

" This team attest(s) that it conforms to the aeroplane/helicopter flight deck configuration of  
 ..... (Name of ATO operating the FSTD)..... (type of aeroplane/helicopter)  
 aeroplane/helicopter and that the simulated systems and subsystems function equivalently  
 to those in that aeroplane/helicopter. This pilot has also assessed the performance and the  
 flying qualities of the FSTD and finds that it represents the designated aeroplane."

This is in conflict with AMC 1 to AR.ATO.200(a)(1) Initial evaluation procedure paragraph 2 which requires the QTG to be submitted 21 days prior to the evaluation. This statement quotes the QTG which implies the complete QTG consisting of Objective and Subjective test results.

comment

575

comment by: UK CAA

**Page No:**

73 of 83

**Paragraph No:** AMC to OR.ATO.350 Part A**Comment:**

Propose deletion of the text "Principle Inspector" (note: *Principal* Inspector is correct English).

**Justification:**

The use of the term "Principal Inspector" is questioned. This is not a term that is used elsewhere, and the addressee of the application will vary between authorities.

**Proposed Text (if applicable):**

Delete "PRINCIPLE INSPECTOR" from part A of the application form.

comment

576

comment by: UK CAA

**Page No:**

73 of 83

**Paragraph No:** AMC to OR.ATO.350 Part B**Comment:**

Hardware and software configuration procedures are part of the compliance monitoring system under the ATO organisational approval and should not therefore need to be part of any application for an evaluation.

**Justification:**

The use of the term "Principle (Principal) INSPECTOR" is questioned. This is not a term that is used elsewhere, and the addressee of the application will vary between authorities.

**Proposed Text (if applicable):**

Delete "PRINCIPLE INSPECTOR" from part A of the application form.

comment

726

comment by: *ALSIM Simulateurs*Proposed text:

Dear,

<Name of Applicant> requests the evaluation of its Flight Simulation Training Device for EASA qualification. The <FSTD Manufacturer Name> FSTD with its <Visual System Manufacturer Name, if applicable> Visual System is fully defined on page <.....> of the **accompanying** Qualification Test Guide (QTG) **which was run on <date> at <place>**.

Comment:

To be coherent with the following paragraph where it is noted that "the QTG will be submitted by <date> and in any event not less than 30 days before the requested evaluation date unless otherwise agreed with a competent authority".

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 2 -  
Chapter 2 - GM to OR.ATO.350 Application for FSTD qualification**

p. 76-77

comment

478

comment by: *FlightSafety International***Comment**

Section 1.2 states the guidance provided is only applicable to FFS aeroplane qualifications, then goes on to contradict itself by saying it is equally applicable to FTD aeroplane, FFS helicopter and FTD helicopter.

**Proposal**

Change the requirement to state "This guidance is applicable to FFS aeroplane, FTD aeroplane, FFS helicopter and FTD helicopter qualifications." If it is not the intent that the guidance be applicable to all these devices, then clarify to which device types it is applicable, or delete the statement.

**Impact to FlightSafety**

This section is confusing and self-contradictory and as it currently reads, is applicable to all the devices mentioned. If it is applicable to all, it should be so stated. If not, it should be deleted.

comment

479

comment by: *FlightSafety International***Comment**

In Section 3.4 the word "excessive" in regards to the acceptable number of footprint tests is undefined.

**Proposal**

Change the statement to define an acceptable number of footprint tests or

percentage of the total number of tests that would be considered acceptable.

**Impact to FlightSafety**

The use of imprecise, undefined words such as "excessive" opens the door for subjective interpretation which is subject to change based on the whims of the inspector assigned to evaluate the tests. Trying to satisfy the subjective opinions of a diverse group of inspectors presents a difficult task to operators, especially when the goalposts change depending upon the various inspector's interpretations of "excessive."

comment 480

comment by: *FlightSafety International*

**Comment**

The words "well in advance" used in section 3.7 are entirely subjective.

**Proposal**

Change the requirement to state "The competent authority should be consulted at least 30 days in advance of the QTG submission if footprint tests are to be used

**Impact to FlightSafety**

Putting a deadline on the notification to the authority will remove the ambiguity of the requirement.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 4 -  
Chapter 1 - AMC to OR.ATO.400 General**

p. 80

comment

1005

comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

**Comment for (f):**

The criteria should be determined so that no subjective judgement is necessary. The criteria should be clear and easy to evaluate with a set measurable standard. This would be beneficial for both the student and the school.

**Proposal for (f):**

Measurement criteria for determining whether a student has satisfactorily completed the appropriate elements of the course to a standard that will enable them to be entered for the JAR-FCL theoretical examinations with a good prospect of success.

comment

1675

comment by: *CAA CZ*

We recommend omitting "at least" or adding again maximum number of expected self-study hours per week in order to excessive self-study hour growth does not cause shortening of the course duration.

a. An assumption that a student will study for ~~at least~~ 15 hours per week.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 4 -  
Chapter 2 - AMC to OR.ATO.430 General**

p. 81

comment 247 comment by: *ECA- European Cockpit Association*

Comment:  
This AMC should be transferred to IR.

Justification:  
This was a must in Appendix 1 to JAR-FCL 1.261(c)(2) and should therefore be transferred to IR.

comment 902 comment by: *Boeing*

*AMC to OR.ATO.430*  
*Page 81*

The requirement to “have held an air operator’s certificate for at least one year” does not specify (1) whether it must be a continuous year that the certificate is held, or (2) how long ago the certificate must have been held. Please clarify these items..

**JUSTIFICATION:** Clarification is needed to ensure appropriate compliance.

comment 1731 comment by: *CAE*

AMC to OR.ATO.430 page 81

The requirement to “have held an air operator’s certificate for at least one year” does not specify a continuous year or how long ago the certificate was held. Clarification needed.

Also, “experience of type rating training” is vague and may initially be interpreted differently by the different Member States. Suggest:

“...have 3 years of type rating training experience”

comment 2436 comment by: *FlightSafety International*

The requirement to “have held an air operator’s certificate for at least one year” does not specify a continuous year, or how long ago. Please clarify.

Clarification needed.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart ATO - Section 4 - Chapter 2 - AMC to OR.ATO.435 Flight Simulation Training Devices**

p. 81

comment 248 comment by: *ECA- European Cockpit Association*

Comment: delete this AMC.

Justification:  
The requirement is not compliant with provisions of Appendix 1 to JAR FCL 1.261(c)(2), point 1 b.

comment 2097 comment by: CAE  
This guidance is very ambiguous!

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart AEMC - Section 1 - AMC to OR.AeMC.015 Application**

p. 82

comment 151 comment by: DGAC FRANCE  
OR.AeMC.015(2)  
Comment :  
Text is superfluous.  
Modification :  
**Delete item 2 of this AMC.**

comment 417 comment by: Civil Aviation Authority of Norway  
Comment to section 2:  
The text in OR.AeMC.015 is sufficient and no additional AMC is needed. The content of the text is the same as in OR.AeMC.015. We therefore propose to omit the text of section 2.

comment 421 comment by: Federal Office of Civil Aviation (FOCA), Switzerland  
alinea 2)  
Comment:  
A clinical attachment shall be demonstrated, but it is not necessary and not useful to request a formal agreement. It is furthermore unclear, what such a formal agreement should consist of. It is absolutely sufficient to demonstrate or to provide details of clinical attachments to suitable hospitals or medical institutions, for instance keep a list containing suitable medical institutions for cooperation  
Proposal:  
2) A clinical attachment to hospitals and medical institutions should be demonstrated.

comment 577 comment by: UK CAA  
**Page No:**  
82  
**Paragraph No:** AMC to OR.AeMC.015 (2)  
**Comment:** The text in para 2 of OR.AeMC.015 is a repeat of the text in the proposed IRs. No additional AMC is needed.

**Justification:** Text is a repeat of the Implementing Rule.

**Proposed Text:** Delete para 2 of this AMC.

comment 586

comment by: *European CMO Forum*

**AMC to OR.AeMC.015 (2)**

**Comment:**

The text in OR.AeMC.015 is sufficient and no additional AMC is needed.

**Justification:**

Text is superfluous.

**Proposed Text:**

Omit text of item 2 of this AMC.

comment

1016

comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

As commented on OR.AeMC.015, the clinical attachment to a designated hospital or medical institution should be changed to "the technical facilities and individual specialists being attached to the AeMC"

Proposal:

AMC to OR.AeMC.015 Application should be amended:

(2) The attachment of technical facilities and individual specialists to the AeMC should consist of a formal agreement with the technical facilities and individual specialists

comment

1564

comment by: *Irish Aviation Authority*

(2)

The text in OR.AeMC.015 is enough and no additional AMC is needed. Text is not necessary.

delete text of item 2 of this AMC.

**AR 27/05/09**

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart AEMC - Section 2 - AMC to OR.AeMC.210 Personnel requirements**

p. 83

comment

113

comment by: *AECA (SPAIN)*

(1) replace by:

An AME should have **held class 1 privileges for at least the number of years and have performed the number of class 1 examinations as determined by the competent authority** before ...

Justification: For small countries is impossible comply with this; for other

having more than one AeMC is impossible to.

comment

136

comment by: *DCA Malta*

**AMC to OR.AeMC.210  
Replace 500 to 100**

There is already a requirement for 5 years experience.

This requirement does not take the small States into consideration.

comment

305

comment by: *Susana Nogueira*

Replace the figure 500 by 100

comment

1017

comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

The requirements for the head of an AeMC should be comparable to the requirements for a medical assessor described in AMC to AR.MED.020.

A fixed number of class 1 examinations should not be stated. The provisions in Part-MED that the number of AMEs can no longer be limited will most probably result in individual AMEs carrying out far less examinations than in the past. The effect would be that both individual AMEs and AMEs employed at an AeMC will have difficulties to reach the proposed limit of 500 aeromedical examinations for a class 1 medical certificate.

Requirements for the AMEs of the AeMC to be certified to perform class 1 examinations and assessments should be added.

**Proposal:**

1. Delete the requirement for 500 class 1 examinations.
2. Add a text that the AMEs of the AeMC to be certified to perform class 1 examinations and assessments

comment

1096

comment by: *CAA Belgium*

Proposal: Replace "500" by "100".

Reason: 500 is too excessive.

comment

1144

comment by: *AEA*

If the intention of EASA is to introduce a class 2 medical for Cabin Crew then there will never be enough AMEs to conduct all the required medical checks. This will lead to huge cost and operational disruptions for no safety benefit and it is not in line with the intent of the EU legislator which had not intention to alter the medical fitness requirements of EU-Ops which allows an assessment instead of an examination as proposed by EASA.

comment

1287

comment by: *Swiss International Airlines / Bruno Pfister*

If the intention of EASA is to introduce a class 2 medical for Cabin Crew than there will never be enough AMEs to conduct all the required medical checks. This will lead to huge cost and operational disruptions for no safety benefit and it is not in line with the intent of the EU legislator which had not intention to alter the medical fitness requirements of EU-Ops which allows an assessment in stead of an examination as proposed by EASA.

comment 1480

comment by: KLM

If the intention of EASA is to introduce a class 2 medical for Cabin Crew than there will never be enough AMEs to conduct all the required medical checks. This will lead to huge cost and operational disruptions for no safety benefit and it is not in line with the intent of the EU legislator which had not intention to alter the medical fitness requirements of EU-Ops which allows an assessment in stead of an examination as proposed by EASA.

comment 1490

comment by: TAP Portugal

B. Draft Rules - IV. Draft Decision Part-OR - Subpart AEMC - Section 2 - AMC to OR.AeMC.210 Personnel requirements

If the intention of EASA is to introduce a class 2 medical for Cabin Crew than there will never be enough AMEs to conduct all the required medical checks. This will lead to huge cost and operational disruptions for no safety benefit and it is not in line with the intent of the EU legislator which had not intention to alter the medical fitness requirements of EU-Ops which allows an assessment in stead of an examination as proposed by EASA.

comment 1584

comment by: Deutsche Lufthansa AG

If the intention of EASA is to introduce a class 2 medical for Cabin Crew than there will never be enough AMEs to conduct all the required medical checks. This will lead to huge cost and operational disruptions for no safety benefit and it is not in line with the intent of the EU legislator which had not intention to alter the medical fitness requirements of EU-Ops which allows an assessment in stead of an examination as proposed by EASA.

comment 1676

comment by: CAA CZ

AMC to OR.AeMC.210 para 1., page 83

Smaller States and thus smaller AeMC will have the problem to find AME, which could meet the condition of 500 1st class MCs issued. We therefore recommend to reduce this number or complete requirements, which will replace the experience (e.g., completion of the course in another AeMC ...).

comment 1911

comment by: International Air Transport Association (IATA)

If the intention is to introduce a class 2 medical for Cabin Crew then there will never be enough AMEs to conduct all the required medical checks. This will lead to huge cost and operational disruptions for no safety benefit and it is not in line with the intent of the EU legislator which had not intention to alter the medical fitness requirements of EU-Ops which allows an assessment in stead of an examination as proposed by EASA.

comment 2252 comment by: *Virgin Atlantic Airways*

**Relevant text:** An AME should have hold class 1 privileges at least 5 years and have performed at least 500 aeromedical examinations....

**Comment:** Poor wording

**Proposal** An AME should have **held** class 1 privileges at least 5 years and have performed at least 500 aeromedical examinations....

comment 2305 comment by: *CAA Finland*

Amend. See my comment 2250. Strict number 500 is a major problem for a small state.

comment 2492 comment by: *CB*

AMC to OR.AeMC.210 (Personal Requirements)  
 If the intention of EASA is to introduce a class 2 medical for Cabin Crew than there will never be enough AMEs to conduct all the required medical checks. This will lead to huge cost and operational disruptions for no safety benefit and it is not in line with the intent of the EU legislator which had not intention to alter the medical fitness requirements of EU-Ops which allows an assessment in stead of an examination as proposed by EASA.

**B. Draft Rules - IV. Draft Decision Part-OR - Subpart AEMC - Section 2 - AMC to OR.AeMC.215 Facility requirements**

p. 83

comment 152 comment by: *DGAC FRANCE*

AMC to AeMC.215(2)(e)

Comment :

The specified equipment should be for advanced colour vision testing. Requirement is too limiting. Other forms of colour vision testing are in widespread use and compatible with Part Medical.

Modification :

(e) ~~colour vision (anomaloscopy)~~ **advanced colour vision testing.**

comment 153 comment by: *DGAC FRANCE*

AeMC.215(6), paragraphs (a) and (b)

comment :

It is sufficient for an AeMC to have a contract with a local laboratory for testing.

An AeMC should not be required to have a clinical laboratory as part of the AeMC.

Modification :

(6) other :

a) **links with clinical laboratories** ~~clinical laboratory facilities~~

b) **links with an hospital or clinic equipped with** ~~ultrasound of the abdomen~~

comment

418

comment by: *Civil Aviation Authority of Norway*

Comment to section 2, subsection (e):

The requirement "anomaloscopy" is too limiting. Other methods of colour vision testing are in widespread use and compatible with "Part Medical". The specified equipment should be for advanced colour vision testing. We therefore propose to change (2)(e) to "advanced colour vision testing".

Comment to section 6, subsection (a):

An AeMC should not be required to have a clinical laboratory as part of the AeMC. It is sufficient for an AeMC to have a contract with a provider of biochemistry services. We therefore propose to change the requirement to having "established a contract with a provider of biochemistry services".

Comment to section 6, subsection (b):

Ultrasound should not be mandatory equipment of an AeMC. Ultrasound of the abdomen should be performed by trained specialists in regular clinical practice. In cases where such an examination is necessary, the applicant should be referred to a specialist. We therefore propose to delete the requirement.

comment

419

comment by: *CMO/AMC and President of Danish Aviation & Marine Medical Association*

In addition to pure-tone audiometry also speech audiometry is necessary in evaluating a safe hearing (otherwise only hearing ability of flight alarms are tested!). Evaluation of the ability to safe communication is a must in aviation.

Also you may find it practical to have AeMC with the ability to make "Flight Deck Test". If so, standards for these tests must be defined in details.

How is "clinical assessment of vestibular system" defined? Like in cardiology and other areas specified requirements is needed.

comment

422

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

Comment:

Ultrasound should be available locally on indication and on short notice, but it should not be a required piece of equipment. AeMCs should be equipped with equipment for aeromedical exams, all specialized equipment should be available on short notice locally, but not necessarily within the AeMC. Reason: The quality of specialized examination methods is better, if performed by specialists doing huge numbers of such exams, which is not the case for

ultrasound in a daily routine of an AeMC.

Poposal:

Delete 6 b Ultrasound of the abdomen.

comment

578

comment by: UK CAA

**Page No:**

83

**Paragraph No:** AMC to OR.AeMC.215 (2) (e)

**Comment:** Requirement is too limiting.

**Justification:** Other forms of colour vision testing are used and the testing needs to be for advanced assessment.

**Proposed Text (if applicable):** Amend 'colour vision (anomaloscopy)' to 'advanced colour vision'.

comment

579

comment by: UK CAA

**Page No:**

83

**Paragraph No:** AMC to OR.AeMC.215 (6) (a)

**Comment:** Laboratory facilities do not have to be on site.

**Justification:** Local health services may vary between States.

**Proposed Text (if applicable):** Amend to 'Access to laboratory facilities'.

comment

580

comment by: UK CAA

**Page No:**

83

**Paragraph No:** AMC to OR.AeMC.215 (6) (b)

**Comment:** Abdominal ultrasound equipment should not be required of an AeMC.

**Justification:** This examination is infrequently required and is not part of the initial or routine surveillance medical examination.

**Proposed Text (if applicable):** Delete (6) (b).

comment

587

comment by: European CMO Forum

**AMC to OR.AeMC.215 (2) (e)**

**Comment:**

Requirement is too limiting. Other forms of colour vision testing are in widespread use and compatible with Part Medical.

**Justification:**

The specified equipment should be for advanced colour vision testing.

**Proposed Text:**

Change (2)(e) to '**advanced colour vision testing**'.

comment

588

comment by: *European CMO Forum*

**AMC to OR.AeMC.215 (6) (a)**

**Comment:**

An AeMC should not be required to have a clinical laboratory as part of the AeMC.

**Justification:**

It is sufficient for an AeMC to have a contract with a local laboratory for testing.

**Proposed Text:**

Change to '**laboratory facilities**' should be available locally.

comment

589

comment by: *European CMO Forum*

**AMC to OR.AeMC.215 (6) (b)**

**Comment:**

Ultrasound should not be a required piece of equipment for an AeMC

**Justification:**

Ultrasound of the abdomen should be done by trained specialists with much experience and in regular clinical practice. The AeMCs should not have to perform special exams that are better performed by specialists. Many countries have strict rules for physicians that perform ultrasound (minimum number of exams/regular refresher courses, quality control of equipment and more) It might be difficult to have enough exams to justify such kind of specialists and equipment in an AeMC, specially in small AeMCs and small countries.

**Proposed Text:**

Delete '6 b. Ultrasound of the abdomen'.

comment

1169

comment by: *FAA*

The following is listed as required medical equipment for U.S. AME's

See

[http://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/aam/am\\_e/guide/app\\_process/general/equipment/](http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/am_e/guide/app_process/general/equipment/)

For the conduct of the medical examination, Examiner's shall have adequate facilities for performing the required examinations and possess or agree to obtain the following equipment prior to conducting any FAA examinations.

History or current findings may indicate a need for special evaluations. Examiners shall certify at the time of designation, re-designation, or upon request that they possess (and maintain as necessary) the equipment specified.

1. **Standard Snellen Test.** Types for visual acuity (both near and distant) and appropriate eye lane. FAA Form 8500-1, Near Vision Acuity Test Card may be used for near and intermediate vision testing. Metal, opaque plastic, or cardboard occluder.
2. **Eye Muscle Test-Light.** May be a spot of light 0.5cm in diameter, a regular muscle-test light, or an ophthalmoscope.
3. **Maddox Rod.** May be hand type.
4. **Horizontal Prism Bar.** Risley or hand prism are acceptable alternatives.
5. **Other vision test equipment** that is acceptable as a replacement for 1 through 4 above include any commercially available visual acuities and heterophoria testing devices.
6. **Color Vision Test Apparatus.** Pseudoisochromatic plates, (American Optical Company (AOC), 1965 edition; AOC-HRR, 2nd edition); Dvorine, 2nd edition; Ishihara, Concise 14 -, 24 -, or 38-plate editions; or Richmond (1983 edition, 15-plates). Acceptable substitutes are: Farnsworth Lantern; OPTEC 900 Color Vision Test; Keystone Orthoscope; Keystone Telebinocular; LKC Technologies, Inc., Apt-5 Color Vision Tester; OPTEC 2000 Vision Tester (Models 2000 PM, 2000 PAME, 2000 PI); OPTEC 2500; Titmus Vision Tester; Titmus II Vision Tester (Model Nos. TII and TIIS); Titmus 2 Vision Tester (Models T2A and T2S); Titmus i400.
7. **A Wall Target** consisting of a 50-inch square surface with a matte finish (may be black felt or dull finish paper) and a 2-mm white test object (may be a pin) in a suitable handle of the same color as the background. Note: this is not necessary if an AME chooses the acceptable option of performing field of vision testing by direct confrontation.
8. **Standard physician diagnostic instruments and aids** including those necessary to perform urine testing for albumin and glucose.
9. **Electrocardiographic equipment.** Senior Examiners must have access to digital electrocardiographic equipment with electronic transmission capability.
10. **Audiometric equipment.** All Examiners must have access to audiometric equipment or a capability of referring applicants to other medical facilities for audiometric testing.

comment 1569

comment by: Irish Aviation Authority

(2e)

Requirement is too limiting. Other forms of colour vision testing are in widespread use and compatible with Part Medical.

The specified equipment must be for advanced colour vision testing.

Change (2)(e) to '**advanced colour vision testing**'.

(6a)

An AeMC does not need to have a clinical laboratory as part of the AeMC. It is enough for an AeMC to have a local laboratory for testing. Change to '**laboratory facilities**' must be available nearby.

(6b) Ultrasound must not be required at an AeMC. Ultrasound must be done by trained specialists with experience and in regular clinical practice. The AeMCs must not have to perform these special exams that are much better performed by specialists. Many countries have strict rules for physicians that

perform ultrasound (minimum number of exams/regular refresher courses, quality control of equipment and more) It would be difficult to have enough exams to justify such kind of specialists and equipment for an AeMC, specially in small AeMCs and small countries. Delete '6 b. Ultrasound of the abdomen'.  
**AR 27/05/09**

**Appendix A****Attachments to comments on NPA 2008-22c**

 [EASA NPA 2008 - 22 c.pdf](#)  
Attachment #1 to comment [#119](#)

 [Lettre report EASA FNAM.pdf](#)  
Attachment #2 to comment [#1145](#)

 [FRAPORT position on NPA 2008-22c 20090528.pdf](#)  
Attachment #3 to comment [#2058](#)

 [OR GEN 200 Management Systems.pdf](#)  
Attachment #4 to comment [#1166](#)

 [AMC to OR GEN 200 a 1 .pdf](#)  
Attachment #1 to comment [#1167](#)

 [AMC2 to OR GEN 200 a 2 .pdf](#)  
Attachment #2 to comment [#1168](#)

 [AMC2 To OR GEN 200 a 3 .pdf](#)  
Attachment #3 to comment [#1214](#)

 [AMC2 to OR GEN 200 a 4 .pdf](#)  
Attachment #4 to comment [#1213](#)

**II. Comments received on NPA 2009-02c****(General Comments)**

-

comment 343 comment by: *French SAMU using helicopters for medical transport*

When considering introduction of helicopter specific requirements may I mention that the HTSG had agreed on a FTL scheme which was frozen by the JAA at that time waiting for the aeroplane scheme to be completed.

In addition when considering helicopter operation there is a need to consider some specific adjustments when dealing with HEMS operations. HEMS operations need long Duty periods at a hospital associated with limited Flight Duty periods or flight time. In some states pilots prefer a 14 day working period as they have the family leaving in another part of the country

comment 468 comment by: *CAA-NL*

AtoA (GA)

General comment CAA-NL:

The CAA-NL proposes to EASA to define different types of operations and allow related requirements and compliance demonstrations proportionate to the complexity of the operation, such as A to A flights (sightseeing), aerial work and commercial OPS with non complex motor powered aircraft.

comment 598 comment by: *AEA***Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Definitions are spread among the different parts (f.e. cabin crew). Even if the terms are re-used in other parts, there no legal certainty on those definitions. This therefore not acceptable to AEA

**Proposal:**

Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately.

comment 599 comment by: *AEA***Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Through this NPA EASA has introduced various major changes compared to EU-OPS which cannot be justified on safety grounds and which are against the mandate which was given to EASA by the EU legislator. Due to time-constraints and the complexity/size of this NPA, it is impossible for AEA to discover all mistakes and changes which have been introduced by EASA. The AEA notes that the European Commission and EASA Management Board share the AEA's concerns on this NPA and the need to align it with EU-OPS and JARs.

**Proposal:**

Realign the entire NPA with EU-OPS and JARs

comment

600

comment by: AEA

**Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (f.e. uniform of the cabin crew) have been put in hard-law, whereas important safety requirements (f.e. definition of adequate aerodrome and Requirements for Rescue and Fire Fighting) have been put in guidance material only. This NPA could therefore lead to reduced flight safety which is unacceptable.

This NPA can therefore not be accepted by AEA.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or Guidance Material.

comment

601

comment by: AEA

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, the AEA strongly disagrees with this flawed justification. EASA should stick to its safety mandate. Non-commercial operators of complex motor-powered aircraft (transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical. EASA's proposal to have lower safety rules is not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace (e.g this NPA could lead to an increased amount of mid-air collisions or runway incursions). This is completely unacceptable to AEA and it will make EASA liable in case of accidents involving non-commercial operators of complex motor-powered aircraft.

In this context, the AEA notes that there is already a disproportionate high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business operators).

Finally, the AEA would like to point out that some type of non-commercial operations (transporting passengers) are competing with commercial operations. This NPA which opens the way for non-commercial operators to compete with commercial operators based on lower safety standards is therefore also not providing for a level playing field and is therefore against the basic principles of the common EU market.

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

comment

776

comment by: *EUROCOPTER*

Eurocopter have no comment on NPA 2009-02c.

comment

988

comment by: *AEA***Relevant Text:**

All GM

**Comment:**

delete all Guidance Material (GM). All GM's are confusing and have no added value, since AMC give enough guidance.

**Proposal:**

delete all Guidance Material (GM).

comment

1372

comment by: *AOPA-Sweden*

Article 8.3, Basic Regulation opens for some alleviation for non-commercial operators of complex aircraft. AOPA-S inquires such a relief for owner of VLJs and this part should go through another revision before a new consultation.

It should not be a requirement of an owner/pilot of a Piper PA-47 to have an organization as proposed in this NPA 2009-2c. The result will only be that the new modern aircraft for GA will NOT enter the European register.

AOPA-S can not understand why a heavier amphibian Cessna C-206 shall be less complex than a Diamond D-jet.

comment

1692

comment by: *TAP Portugal***Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Definitions are spread among the different parts (f.e. cabin crew). Even if the terms are re-used in other parts, there no legal certainty on those definitions. This therefore not acceptable to AEA

**Proposal:**

Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately.

comment

1693

comment by: *TAP Portugal***Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Through this NPA EASA has introduced various major changes compared to EU-OPS which cannot be justified on safety grounds and which are against the mandate which was given to EASA by the EU legislator. Due to time-constraints and the complexity/size of this NPA, it is impossible for AEA to discover all mistakes and changes which have been introduced by EASA. The

AEA notes that the European Commission and EASA Management Board share the AEA's concerns on this NPA and the need to align it with EU-OPS and JARs.

**Proposal:**

Realign the entire NPA with EU-OPS and JARs

comment 1694

comment by: TAP Portugal

**Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (f.e. uniform of the cabin crew) have been put in hard-law, whereas important safety requirements (f.e. definition of adequate aerodrome and Requirements for Rescue and Fire Fighting) have been put in guidance material only. This NPA could therefore lead to reduced flight safety which is unacceptable.

This NPA can therefore not be accepted by AEA.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or Guidance Material.

comment 1695

comment by: TAP Portugal

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, the AEA strongly disagrees with this flawed justification. EASA should stick to its safety mandate. Non-commercial operators of complex motor-powered aircraft (transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical. EASA's proposal to have lower safety rules is not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace (e.g this NPA could lead to an increased amount of mid-air collisions or runway incursions). This is completely unacceptable to AEA and it will make EASA liable in case of accidents involving non-commercial operators of complex motor-powered aircraft.

In this context, the AEA notes that there is already a disproportionate high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business operators).

Finally, the AEA would like to point out that some type of non-commercial operations (transporting passengers) are competing with commercial operations. This NPA which opens the way for non-commercial operators to compete with commercial operators based on lower safety standards is therefore also not providing for a level playing field and is therefore against the basic principles of the common EU market.

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

comment

1696

comment by: *TAP Portugal***Relevant Text:**

All GM

**Comment:**

delete all Guidance Material (GM). All GM's are confusing and have no added value, since AMC give enough guidance.

**Proposal:**

delete all Guidance Material (GM).

comment

1758

comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

There is not any clear definition in the basic regulation or the implementing rules, that says commercial ballooning is Commercial Air Transport. ICAO is defining Commercial Air Transport as international Transport. From our point of view commercial ballooning is a commercial operations other than CAT, which means a new category, because it is only partwise "aerial work";but not commercial air transport.

The position of EASA-proposals did not consequently follow the rules ,if commercial ballooning is commercial air transport, why they are not defining a special category of air transport for ballooning. Is it too complicated? Following EASA philosophie "make the rules proportional to the scale and scope and risk of the operation".

EASA has to find lower requirements for the operation of balloons. Balloons are the simplest aircrafts ever and the pilots are doing pleasure-flights normally inside the dimension of 10-20 miles with a flighttime of 1-2 hours. Balloonpilots are not flying for up to 10-14 hours, or at night, or over timezones. So this commercial operation is rather different to the other commercial air transports.

For the technical requirements we can see the EASA is finding differentiated requirements, why not also following that way for Operations? Following that reduced way, there must be also differentiated requirements for Age, Flight- and Resttime

comment

1824

comment by: *Rory OCONOR*

I fully support the comments of the British Gliding Association.

Your response is disproportionate and possibly will decrease rather than increase the flight safety of glider pilots.

For safe gliding operations, pilots need maximum flexibility and not excessive constraints such as distance from cloud.

Cloud flying in gliders is safe and is not the same as Aeroplane IFR flight in nature. It has different requirements.

(Cloud flying in any craft, glider or not, next to mountains is not safe).

Please listen to the experts before making poor decisions.

Rory

comment 1864 comment by: *Light Aircraft Association of the Czech Republic*

This is the answer of the Light Aircraft Association of the Czech Republic. During the work of MDM032 following conclusion was agreed and passed to the OPS WG:

- 1. For aircraft below 2000 kg MTOM the Essential Requirements should be applied directly except for 3 additional Implementing Rules (COM/NAV equipment, safety equipment, fuel reserves)
  - 2. For aircraft above 2000 kg MTOM OPS 0 should be applied see MDM032-DOC082 MoM 2007-04-17-19 Final Version.doc
- Why this agreement was rejected?

Proposal: Just follow the recommendation of the MDM032 group.

comment 2030 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Definitions are spread among the different parts (f.e. cabin crew). Even if the terms are re-used in other parts, there no legal certainty on those definitions. This therefore not acceptable to AUSTRIAN

**Proposal:**

Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately.

comment 2031 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Through this NPA EASA has introduced various major changes compared to EU-OPS which cannot be justified on safety grounds and which are against the mandate which was given to EASA by the EU legislator. Due to time-constraints and the complexity/size of this NPA, it is impossible for AUSTRIAN to discover all mistakes and changes which have been introduced by EASA. AUSTRIAN notes that the European Commission and EASA Management Board share the concerns on this NPA and the need to align it with EU-OPS and JARs.

**Proposal:**

Realign the entire NPA with EU-OPS and JARs

comment 2032 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (f.e. uniform of the cabin crew) have been put in hard-law, whereas important safety requirements (f.e. definition of adequate aerodrome and Requirements for Rescue and Fire Fighting) have been put in guidance material only. This NPA could therefore lead to reduced flight safety which is unacceptable.

This NPA can therefore not be accepted by AUSTRIAN.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or Guidance Material.

comment

2033

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, AUSTRIAN strongly disagrees with this flawed justification. EASA should stick to its safety mandate. Non-commercial operators of complex motor-powered aircraft (transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical. EASA's proposal to have lower safety rules is not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace (e.g this NPA could lead to an increased amount of mid-air collisions or runway incursions). This is completely unacceptable to AUSTRIAN and it will make EASA liable in case of accidents involving non-commercial operators of complex motor-powered aircraft.

In this context, the AUSTRIAN notes that there is already a disproportionate high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business operators).

Finally, AUSTRIAN would like to point out that some type of non-commercial operations (transporting passengers) are competing with commercial operations. This NPA which opens the way for non-commercial operators to compete with commercial operators based on lower safety standards is therefore also not providing for a level playing field and is therefore against the basic principles of the common EU market.

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

comment

2034

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

All GM

**Comment:**

delete all Guidance Material (GM). All GM's are confusing and have no added value, since AMC give enough guidance.

**Proposal:**

delete all Guidance Material (GM).

comment

2328

comment by: *KLM*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Definitions are spread among the different parts (f.e. cabin crew). Even if the terms are re-used in other parts, there no legal certainty on those definitions. This therefore not acceptable to AEA

**Proposal:**

Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately.

comment

2329

comment by: KLM

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Through this NPA EASA has introduced various major changes compared to EU-OPS which cannot be justified on safety grounds and which are against the mandate which was given to EASA by the EU legislator. Due to time-constraints and the complexity/size of this NPA, it is impossible for AEA to discover all mistakes and changes which have been introduced by EASA. KLM notes that the European Commission and EASA Management Board share the AEA's concerns on this NPA and the need to align it with EU-OPS and JARs.

**Proposal:**

Realign the entire NPA with EU-OPS and JARs

comment

2330

comment by: KLM

**Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (f.e. uniform of the cabin crew) have been put in hard-law, whereas important safety requirements (f.e. definition of adequate aerodrome and Requirements for Rescue and Fire Fighting) have been put in guidance material only. This NPA could therefore lead to reduced flight safety which is unacceptable.

This NPA can therefore not be accepted by KLM.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or Guidance Material

comment

2331

comment by: KLM

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, the AEA strongly disagrees with this flawed justification. EASA should stick to its safety mandate. Non-commercial operators of complex motor-powered aircraft

(transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical. EASA's proposal to have lower safety rules is not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace (e.g this NPA could lead to an increased amount of mid-air collisions or runway incursions). This is completely unacceptable to AEA and it will make EASA liable in case of accidents involving non-commercial operators of complex motor-powered aircraft.

In this context, the AEA notes that there is already a disproportionate high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business operators).

Finally, the AEA would like to point out that some type of non-commercial operations (transporting passengers) are competing with commercial operations. This NPA which opens the way for non-commercial operators to compete with commercial operators based on lower safety standards is therefore also not providing for a level playing field and is therefore against the basic principles of the common EU market.

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

comment

2332

comment by: *KLM*

**Relevant Text:**

All GM

**Comment:**

delete all Guidance Material (GM). All GM's are confusing and have no added value, since AMC give enough guidance.

**Proposal:**

delete all Guidance Material (GM).

comment

2500

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Definitions are spread among the different parts (f.e. cabin crew). Even if the terms are re-used in other parts, there no legal certainty on those definitions. This therefore not acceptable to Lufthansa.

**Proposal:**

Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately.

comment

2502

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Through this NPA EASA has introduced various major changes compared to EU-OPS which cannot be justified on safety grounds and which are against the

mandate which was given to EASA by the EU legislator. Due to time-constraints and the complexity/size of this NPA, it is impossible for Lufthansa to discover all mistakes and changes which have been introduced by EASA. Lufthansa notes that the European Commission and EASA Management Board share Lufthansa's concerns on this NPA and the need to align it with EU-OPS and JARs.

**Proposal:**

Realign the entire NPA with EU-OPS and JARs

comment

2503

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (f.e. uniform of the cabin crew) have been put in hard-law, whereas important safety requirements (f.e. definition of adequate aerodrome and Requirements for Rescue and Fire Fighting) have been put in guidance material only. This NPA could therefore lead to reduced flight safety which is unacceptable.

This NPA can therefore not be accepted by Lufthansa.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or Guidance Material.

comment

2504

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, Lufthansa strongly disagrees with this flawed justification. EASA should stick to its safety mandate. Non-commercial operators of complex motor-powered aircraft (transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical. EASA's proposal to have lower safety rules is not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace (e.g this NPA could lead to an increased amount of mid-air collisions or runway incursions). This is completely unacceptable to Lufthansa and it will make EASA liable in case of accidents involving non-commercial operators of complex motor-powered aircraft.

In this context, Lufthansa notes that there is already a disproportionate high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business operators).

Finally, Lufthansa would like to point out that some type of non-commercial operations (transporting passengers) are competing with commercial operations. This NPA which opens the way for non-commercial operators to

compete with commercial operators based on lower safety standards is therefore also not providing for a level playing field and is therefore against the basic principles of the common EU market.

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

comment

2505

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

All GM

**Comment:**

delete all Guidance Material (GM). All GM's are confusing and have no added value, since AMC give enough guidance.

**Proposal:**

delete all Guidance Material (GM).

comment

2742

comment by: *CAA CZ*

The definitions of "industry standard" as set out e.g. in Appendix 1 to OR.OPS.041.DEC and "industry code of practice" as set out e.g. in AMC1 OR.OPS.015.MLR should be added. These wordings could create several different meanings within appropriate national language.

comment

2782

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Definitions are spread among the different parts (e.g. cabin crew). Even if the terms are re-used in other parts, there no legal certainty on those definitions.

**Proposal:**

Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately

comment

2784

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (e.g. uniform of the cabin crew) have been put in hard-law, whereas important safety requirements (e.g. definition of adequate aerodrome and requirements for Rescue and Fire Fighting) have been put in guidance material only.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or

Guidance Material.

comment

2788

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, VAA strongly disagrees with this justification. EASA should stick to its safety mandate. Non-commercial operators of complex motor-powered aircraft (transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical.

EASA's proposal to have lower safety rules are not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace This is unacceptable to VAA.

In this context, VAA notes that there are already a disproportionatley high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business operators).

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

comment

2814

comment by: *bmi*

It is the opinion of bmi that EASA should consider the comments submitted by the United Kingdom CAA and the Association of European Airlines (AEA). bmi concur with the opinions submitted by these organisations.

comment

2861

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Definitions are spread among the different parts (f.e. cabin crew). Even if the terms are re-used in other parts, there no legal certainty on those definitions. This therefore not acceptable to AEA

**Proposal:**

Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately.

comment

2862

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Through this NPA EASA has introduced various major changes compared to EU-OPS which cannot be justified on safety grounds and which are against the mandate which was given to EASA by the EU legislator. Due to time-constraints and the complexity/size of this NPA, it is impossible for AEA to discover all mistakes and changes which have been introduced by EASA. The AEA notes that the European Commission and EASA Management Board share the AEA's concerns on this NPA and the need to align it with EU-OPS and JARs.

**Proposal:**

Realign the entire NPA with EU-OPS and JARs

comment

2863

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (f.e. uniform of the cabin crew) have been put in hard-law, whereas important safety requirements (f.e. definition of adequate aerodrome and Requirements for Rescue and Fire Fighting) have been put in guidance material only. This NPA could therefore lead to reduced flight safety which is unacceptable.

This NPA can therefore not be accepted by AEA.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or Guidance Material.

comment

2864

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, the AEA strongly disagrees with this flawed justification. EASA should stick to its safety mandate. Non-commercial operators of complex motor-powered aircraft (transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical. EASA's proposal to have lower safety rules is not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace (e.g this NPA could lead to an increased amount of mid-air collisions or runway incursions). This is completely unacceptable to AEA and it will make EASA liable in case of accidents involving non-commercial operators of complex motor-powered aircraft.

In this context, the AEA notes that there is already a disproportionate high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business

operators).

Finally, the AEA would like to point out that some type of non-commercial operations (transporting passengers) are competing with commercial operations. This NPA which opens the way for non-commercial operators to compete with commercial operators based on lower safety standards is therefore also not providing for a level playing field and is therefore against the basic principles of the common EU market.

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

comment

2865

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

All GM

**Comment:**

delete all Guidance Material (GM). All GM's are confusing and have no added value, since AMC give enough guidance.

**Proposal:**

delete all Guidance Material (GM).

comment

3338

comment by: *Association of Asia Pacific Airlines*

EASA continue to make extensive and complex NPA proposals which go beyond the JARs they plan to replace and they not in line with the current EU-OPS requirements. It is our understanding that the EU Legislator mandated EASA to take the existing JARs and amend them into community law. However, the major changes being proposed by this NPA and other NPAs cannot be justified even on grounds of safety.

We would urge EASA to revisit it NPA proposals and align with EU-OPS and JARS.

Due to the complexity and size of this NPA, time constraints AAPA is unable to fully review the document in order to identify questionable proposals and mistakes introduced by EASA.

comment

3358

comment by: *DGAC*

**0 General Comments:**

We would like to take advantage of this NPA 2009-02, to confirm previous comments concerning NPA 2008-22, that is to say: the new structure is hard to understand, the reading is complex and an overall view is missing. In France, despite many inforamory meetings, stakeholders have had great difficulty in understanding these propositions. This is especially true for the small organizations which experience problems in understanding the measures which are applicable to them. It is indispensable that the simplified measures should be very explicit and that a dedicated consultation should take place.

The new regulatory structure does not seem to be well adapted; at least it appears, in our opinion, to be very far from being mature and we confirm our preference for to an activity-based approach.

We consider this NPA as an advanced NPA

It would have been appropriate to keep the old widespread JAR's structure with

JAR OPS 0 (Gen), 1 (Plane), 2 (Corporate), 3 (helicopter) and 4 (aerial work), completed by the modern Safety Management Systems concepts and also to create, as necessary, new ones concerning balloons and other aircrafts (such as UAV, sailplanes...).

A great deal of work needs to be done on the definitions linked to "commercial"

The proposed requirements must not prevent a member State from carrying out, apart from the SAFA programmes and methods, ground inspections of foreign aircraft on its territory, as specified by the directive 2004/36 item 2 article 1.

The BR 216/2008 5 and 7 recitals allow the member States to deal directly with certain local based operations as local flights, this possibility must be used

The transition measures must be extensive and gradual in scope according to the areas concerned.

### **1 Structure:**

- Here are some examples which show the difficulties in reading those proposals, for the industry as for the Authorities, and which demonstrate the need for a return to a more classical activity-based regulation.
- Equipment: paragraphs are very long, divided by aircraft types, even mixed with activities (airplane & helicopter vs carriage of parachutists), and too complicated to understand which kind of seat belt/harness is required: OPS.GEN.405 "Equipment for all aircraft", items (a) (3) and (a) (4), then OPS.GEN.400 "Seat belts and harnesses" which should contain previous items, but we have to reach the third line to understand that it's only applicable to commercial air transport.
- A lot of time is uselessly spent trying to understand where the relevant information is to be found, and what is applicable to whom.
- The Agency's holistic approach leads for the reader and the future user, to a far less holistic vision of the applicable rules.
- In spite of the Agency's promise (§24 NPA 2009-02a Explanatory Note) to conserve the whole EU-OPS & JAR-OPS 3 dispositions', many differences crop up throughout the proposition, which leads the reader to doubt the rest of the dispositions, and these differences require a careful analysis, which has not been successfully completed yet because of the lack of time.
  - For example: the disappearance of the "commander" (we need to know who is legally responsible on board, during a flight), and the emergence of the "pilot in command" (PIC); moreover, the PIC can delegate only to another PIC, including above the FL 200, which was not the case in the EU-OPS. This new curtailment appears in AMC, which is somewhat out of place/..

All of this leads to, a very partial study of the dispositions, and the necessity to convert this NPA into an A-NPA. The Agency, after studying the comments/ , shall publish a complete NPA which should encompass the 3 NPAs 2008-17, 2008-22, 2009-02.

### **2 Definitions:**

Serious work must be undertaken on the definitions:

*(a) The substance:*

CAT: a definition is needed consistent with other European rules. On the one hand, the NPA 2009-02 (point 53, pages 34/123) refers for CAT to the ICAO's annex 6 definition of "commercial air transport operation" which is not consistent with the "commercial operation" definition contained in the basic regulation article 3)i). On the other hand, the EC 1008/2008, chapter II, article 3)3) b) excludes local flights from the obligation to hold an operating license. We propose to define the "commercial air transport" concept by using the BR's (article 3i)) definition of "commercial" and the concept of "air transport" as transportation from A to B, with A different from B, as the EC 1008/2008 suggests.

AMC/CS: Following the Agency's seminar organized on June 23<sup>rd</sup>, and the large number of explanations asked for, it seems to be necessary to introduce those definitions in the AR.

"Organization": this term shall be defined. Is it an organism or simply the fact of being organized?

(b) The form:

There is a discrepancy with other European Rules (cf previous), which could lead to a legal uncertainty.

Lack of definition: in this case, either we take the ICAO's definitions or we propose one. For example, "flight crew is defined nowhere, whereas "cabin crew" is only defined in Part CC and "for the purpose of this part"; so, we do not know which definition should be taken into account for Part OPS. Finally, we have no definition of the "technical cabin crew".

We have found definitions at many different regulation levels, sometimes in IR, AMC, or GM. For example: the list of definitions begins in the IR section, and suddenly ends, to be continued in the GM section.

Sometimes, a definition is given in the AMC section whereas it is used in IRs.

Generally speaking, definitions should be gathered in only one IR "Part Definition" (except, if it were used in a single paragraph). This way, definitions can be used in other parts, allowing for more homogeneity.

### **3 Security**

Some dispositions proposed by the EASA do not seem to be compliant with other Community Regulations already in force about security. The Agency should verify compliance.

### **4 Part CC (IR personnel annex V ) and Medical CC (IR personnel annex II)**

We would like to give full support to the Agency's proposition on both CC's certification and medical requirements.

### **5 Ramp inspections (IR AR section IV)**

The exact scope concerning "ramp inspection" should be clarified.

We understand that the dispositions introduced for ramp inspections are taken in application of the article 10.2 of BR 216/2008 which says that a Member State must, on his territory, conduct ramp inspections on aircraft the general supervision of which he doesn't have the responsibility of, and that these inspections must be conducted by following agency-specified methods, and this would therefore replace the scope of directive 2004/36.

We haven't found any basic regulatory specification in BR 216/2008 to justify

the application of Community methods to ramp inspections conducted by a Member State on aircrafts used by operators that it oversees. All references to inspections on all but foreign aircraft must be removed from the agency's proposition in terms of Ramp Inspections.

In addition, the proposed dispositions must not prevent a Member State from conducting, without following the SAFA program (and its methods), ramp inspections of foreign aircraft, as described in paragraph 2 of article 1 of directive 2004/36.

## **6. Flexibility (use of paragraphs 8.2 and 8.3 of BR216) and subsidiarity**

Articles 8.2 and 8.3 make provision for certification of commercial operations and declaration of non commercial operations of complex aircraft "unless otherwise determined in the implementing rules". EASA hasn't made use of this possibility in its propositions whereas we see at least two points where such dispositions could have been made use of.

*(a) Fractional ownership and Shared ownership:* these two concepts should be better defined. We understand that the agency's propositions do not make provision for a control of air operations conducted under these concepts (except declaration in the case of complex aircraft). We wish that specific dispositions be made.

Regarding fractional ownership, CEAC recommended, a few years ago, that the future European regulation take its inspiration from the American Part 91-K, that imposes conditions on the number of aircraft in the fleet and on the owners, and organises contractual dispositions between the administrator and the co-owners, and between the different co-owners.

*(b) Aerial work:* as a first step, it seems reasonable to certify only those aerial work activities that are considered as generating the most risk (everything that involves low altitudes: crop-spraying, line surveillance), the rest could be subjected only to a declaration.

*(c)* Furthermore, certain activities that are restricted to a very small geographical area, should remain in the domain of subsidiarity, taking into account the absence of any competitive aspect and technical requirements linked to a European recognition need.: such as local flights (from A to A, with both time and range limited), and initiation flights. This proposition follows the BR 216/2008's recital n°5, which was initially drawn up to introduce annex 2.

## **7 FTL**

We have found only 4 of the 5 points specified in the article 8.4 of the CR 3922/91 (OPS 1.1105 point 6, OPS 1.1110 points 1.3 and 1.4.1, OPS 1.1115, and OPS 1.1125 point 2.1); the "reduced rest arrangement" is missing.

From our point of view, it seems clear that both the numeric values and the five points specified in article 8.4 should be in the IRs' section. CSs should allow the application of those 5 points. The Agency itself reminds, in the NPA 2009-02-a, that the sub-part Q's substantive provisions shall be included in IR, according to article 22. Moreover, as specified in the NPA 2009-02-a, page 51 paragraph 41, numeric values are considered as "substantive provisions".

Last but not least, we wish, according to the Agency's statements, national provisions, implemented in compliance with article 8.4, to be taken into account and acceptable for further regulation.

## **8 Transition measures**

The propositions contained in the NPA 2009-02 modify requirements significantly concerning certain kinds of stakeholders; which is the case for aerial work (COM non CAT), that are today, in most member states, under a declarative system (which is changing for a certified system).

Those operators are either badly or insufficiently organised and represented and they are faced with numerous problems to read and comment on those texts (not translated into French). Under those conditions, measures to facilitate an acceptable transition must be scheduled (by giving time and the appropriate means to understanding).

According to the BR 216/2008, the IR must be published before April 2012, but the actual putting into practice may occur later

Taking into account:

- The new rules' structure
- Modifications in existing regulations (EU-OPS/JAR OPS 3)
- A wider scope
- The crisis that airlines are facing

The adopted transition measures should be as long as possible and scheduled depending on the areas. We consider that the requirements for the non commercial air transport activities (areas generally not so strongly regulated), should be delayed.

A two-year period after the 8<sup>th</sup> April 2012 seems reasonable before applying the requirements concerning commercial air transport, and it is our considered opinion that a schedule should be drawn up on an individual basis for all the other activities.

### **9. Code share**

The IR-OPS toughen the conditions by which European airlines will be able to conclude code share agreements with non-European airlines because the candidate must prove (by initial and regular in situ audits) to its Authority that the airline approached for the code share agreement observes the ER (the foreign airline will furthermore have to be TCO authorized) and certain dispositions of IR OPS. The medical fitness required of cabin crew could for example prevent the agreement.

French airlines are worried about the possible repercussions of these propositions on code share agreements that are already in force.

While we understand the legitimate concern that leads to clarifying the conditions associated with code sharing, we consider it not appropriate to prevent such operations with a major airline that is supervised by a country that is recognized in terms of safety, on the ground that the non-European country does not conform to such and such disposition of IR OPS.

### **10. Work priority**

If the process cannot be finished within the given time, France proposes that the following domains be treated in the following order from highest to lowest priority:

1. CAT airplane and CAT helicopter
2. Corporate aviation: complex aircraft and fractional ownership
3. other types of aerial work (airplane & helicopter)
4. all other domains

comment

3464

comment by: *BMVBS (MoT Germany)*

The Federal Republic of Germany cannot accept the text of the entire NPA 02-2009 as proposed. The text does not fulfil the requirements set out by the Regulation No. (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008.

**First Reason: Endangering a high uniform level of civil aviation safety in Europe**

In Article 1 of this Basic Regulation it is stated:

"1. The principal objective of this Regulation is to establish and maintain a high uniform level of civil aviation safety in Europe."

The Agency proposed in its draft an approach of so called "performance-based rulemaking" in order to provide a higher level of flexibility to fulfill the technical requirements of the implementing rules and to incorporate technical innovations more easily. While Germany supports the objective of this approach we have strong concerns that the way it is implemented will have negative consequences on the level-of-safety of European aviation.

The Agency proposes to express safety objectives by means of indefinite terms at the level of binding implementing rules. These indefinite legal terms are substantiated by "Acceptable Means of Compliance" (AMC) which are not legally binding. According to German administrative law, the NAA can only enforce binding law. The Agency or the NAA can publish AMCs and require the applicants to fulfill them as prerequisite e. g. for a certificate. If the applicant does not fulfill the requirements of the AMC the NAA would not issue the certificate. If the applicant does not accept the decision of the NAA he or she might go to court. In this case, the judge of the administrative court will decide whether the requirements set out by the written and binding law are fulfilled by the applicant or not. If the binding law contains indefinite legal terms the judge has a high level of freedom for his or her decision.

The consequence might be that a level-of-safety which is lower than that incorporated within the AMC is acceptable to the court. Moreover, courts of different member states might come to different decisions. The result would be a level-of-safety which might be lower than today and which is certainly not uniformly applied. Therefore, the drafts of the NPA do not conform to the Basic Regulation.

In order to establish and maintain a high uniform level of civil aviation safety across Europe it is necessary to provide clear and unambiguous rules which conform to the standards of legal certainty. If a higher level of flexibility for the means to fulfill the binding law is desired the concept of performance-based rulemaking as proposed by ICAO might be used. In order not to compromise the level-of-safety, it is essential that performance objectives within the rules are clearly determined by either quantitative or qualitative terms. An indefinite legal term is too generic and is certainly not appropriate for this purpose.

The approach of performance-based rulemaking should be applied with care since even ICAO has identified risks for the conversion of prescriptive rules into performance-based ones. Except for the State Safety Program and the Safety Management Systems concept ICAO has not yet incorporated the performance-based approach into the standards. Therefore, Europe would be one of the pioneers when establishing of performance-based rules and must ensure that

the States can still fulfill their obligation to comply with ICAO standards.

### **Second Reason: Unnecessary Deviation from EU-OPS**

In Article 8 Paragraph 4 and 6 as well as in Article 22 Paragraph 2 (a) it is clearly stated that at least for the application area of commercial transport in aeroplanes the implementing measures of the Commission shall initially be based on the common technical requirements and administrative procedures specified in Annex III (EU-OPS) to Regulation (EEC) No 3922/91.

The new structure of the proposed rule text does not, by status and content, mirror the current operational rules, i.e. in EU-OPS and JAR-OPS 3. In case of an enforcement of the proposed rule, AMC and guidance material, the industry as well as NAAs would need to change well established checking survey plans, procedures, manuals and records. We do not see any justification for introducing a new rule structure, especially with the view of enhancing safety. In so far, the RIA to the NPA does not really justify the step taken by EASA to entirely change the structure of future European requirements. It is not understandable why EASA did not consider these inputs, as similar objections were raised by other NAA's as well as by industry's representatives. Initially, EASA argued with legal implications a duplication of rules (such as in OPS 1 and 3) would impose. Hence, so EASA, i.e. only one requirement for an AOC can be enforced, leading to a disruption of the well established EU-OPS/JAR-OPS 1 and 3 requirements. The same applies to the proposed licensing requirements. Legal experts throughout Europe very much questioned the legal position expressed by EASA, and meanwhile, it is very clear that similar requirements in different EU – Regulations are acceptable and, in fact, existent. For example, almost identical Authority requirements apply for EU Regulations 1702/2003 and 2042/2003.

Germany, therefore, proposes not to implement the proposed rule structure for OPS, but to develop dedicated requirements for every single air operations application, such as JAR-OPS 1, 3 and draft JAR-OPS 2 and 4. We have to accept duplications in order to provide a separate book for each separate application. So, we also have to accept that in case of the need for changing similar requirements by an NPA, it is the task of EASA to steer the associated rule making work as well as to maintain and update the material as required.

Moreover, there is neither the obligation nor the mandate for EASA within the Basic Regulation to promulgate higher requirements for cabin crew attestations or flight time limitation rules than the ones which are already included in EU-OPS.

### **The way forward:**

The quality of a regulatory amendment is highly dependent on the level of maturity of the draft as published for consultation. Ideally, the consultation process should help the Agency to perform mainly a fine tuning to optimize the final rule. The Notice of Proposed Amendment (NPA) No. 2009-02, however, is far from mature. It contains major conceptual mistakes. In consultation with the German aviation industry it has been assessed that the introduction of the proposed amendment would not only undermine aviation safety due to unclear or incomplete requirements, it would also erode the competitiveness of the European aviation industry at large.

The situation is considered extremely startling and the German government is

increasingly concerned about these developments. We do not consider the proposed amendment suitable to support a process that would converge towards a consensus in the Committee phase of the regulatory procedure with scrutiny, and therefore would strongly advise EASA to re-consider the NPA as an “advanced” NPA that would be followed by a second round of consultation once a consensus on the conceptual approach has been reached. It is already clear at this stage, that this NPA will have to undergo substantial modification to an extent that would require a second round of consultation, if the principle of “better regulation” was to be respected.

In our view the proposed amendment not only fails to achieve the objective to base the implementing rules as much as possible on existing JAA material, it also fails to safeguard the highly important regulatory continuity, thereby creating incalculable risks for affected stakeholders potentially jeopardizing their very existence.

Against this background the Agency would be well advised to apply a sound change management strategy keeping the risks induced by the regulatory changes for the European aviation industry in mind.

Due to the extent and complexity of this rulemaking proposal the deadline of 31<sup>st</sup> July 2009 was still insufficient to coordinate a complete response by the German MOT. The German Ministry of Transport therefore generally endorses and supports the comments brought forward by the Luftfahrt-Bundesamt and German aviation stakeholders whose comments could not be collated and reproduced in due time.

comment

3519

comment by: *Baden-Württembergischer Luftfahrtverband*

## **Introduction**

The Baden-Württembergischer Luftfahrtverband (BWLV) is the association of about 200 aviation clubs in the state of Baden Württemberg in the south west of Germany. About 160 of these clubs instruct on aeroplanes, sailplanes, micro lights, balloons and parachutes.

By far the most activity in general aviation is happening in these clubs. Here pilots are under close observation and exchange lots of information. Aircraft belong to all members and are often not insured against damage or even complete loss. This leads to quite rigid supervision between the members. This setup contributes largely to the safety consciousness in general aviation.

It is important to maintain this infrastructure and make sure it is supported by the regulations. This importance is also emphasized in the „*An Agenda for Sustainable Future in General and Business Aviation* COM(2007) 869”.

## **General Comments**

### **1. commercial operations**

#### **Issue with current wording**

According to the definition in Article 3 (i) of the basic regulation any operation with remuneration is a commercial operation. Already in previous comments it has been discussed that many activities of non commercial organizations or private persons can not be considered commercial although payments are accepted but only for cost sharing. The Regulations for commercial operations in this NPA must not be applicable for these activities. Burdening clubs with the

regulations for commercial operations would severely endanger their role in providing affordable flying for interested persons.

### **Our proposal**

Either state that Article 3 (i) of the basic regulation does not apply to cases where only costs are shared or compensated and there is no intention to make profit or introduce a class of "commercial" operations on non complex aircraft and state that this class is excluded from the regulations defined for commercial operations.

### **Rationale**

Several activities of private or club operations can not be considered as commercial operations although a certain amount of compensation is paid to share costs. For example clubs in Germany have to be open to a certain extent to the communities where they operate and offer passenger rides. This is necessary for the acceptance and integration of the clubs and their airports by the public. The clubs though can not afford to offer passenger rides for free but must ask for cost sharing or compensation. This should though not lead to the situation that regulations for commercial operations proposed in this NPA need to be followed.

comment

3521

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

The NPA 2009-02 introduces many changes in comparison with EU-OPS that are not justified regarding safety.

The comments hereafter SHALL BE considered as :

A identification of some of the major issues FNAM asks EASA to discuss with third-parties before any publication of the proposed regulation, consistently with, and prior to, the above common and constructive approach.

In consequence, the comments hereafter SHALL NOT BE considered :

As a recognition of the third-parties consultation process carried out by EASA

As an acceptance or an acknowledgement of the proposed regulation, as a whole or of any part of it

As complete : the fact some articles refer to not yet-published (or even not yet-established) pieces of regulation or are not self-consistent prevented FNAM to understand and comment them

As exhaustive : the fact some articles (or any part of them) are not commented does not mean FNAM has (or may have) comments about them, neither FNAM accepts or acknowledges them

All the following comments are thus limited to our understanding of the effectively published proposed regulation, not withstanding their consistency with any other pieces of regulation, including with the Basic Regulation 216/2008, giving mandate from the Commission and Parliament to EASA.

comment

3522

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

Small organizations should know how and in which way they will benefit of less complicated requirements. This must be more explicit and a part should be dedicated to this type of operators as when reading the whole legislation, it is really confusing to understand what they are expected to do.

comment

3523

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

Publishing Part TCO (Third Country Operators) after the end of the consultation period of NPA 2009-02 (Part-OPS) does not allow stakeholders to fully comment this NPA. This implies that comments induced by this new publication may interfere with comments from NPA 2009-02 (part OPS). As a result , EASA should make a commitment to stakeholders to keep on taking into account OPS comments during the period of consultation of Part-TCO as there are many interconnections between those legislations.

comment 3526 comment by: *President VNC*  
VNC supports the comments made by ETF.

comment 3625 comment by: *DCAA*  
***Draft Opinion and Decision Part -OR***  
The NPA's include a lot of suggested complex procedures and reporting routines that will not create any added value to flight safety or to the reduction of cost. Further, for several issues, we do not see any clear legal basis in the Basic Regulation for certain requirement.  
  
As examples:  
- Besides flight inspections, there is a requirement to perform ramp inspections of national operators. What do ramp inspections cover that is not already covered by the flight inspection? What is the added value in this requirement?  
- The requirement for approving wet lease from 3. country operators is far beyond ICAO requirement?  
- Code Share operation shall be approved?  
  
Denmark can not support the two NPA's in their actual version

comment 3629 comment by: *Icelandair*  
**Relevant Text:**  
EASA NPA 2009 (Entire NPA)  
**Comment:**  
Definitions are spread among the different parts (f.e. cabin crew). Even if the terms are re-used in other parts, there no legal certainty on those definitions. This therefore not acceptable to AEA  
**Proposal:**  
Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately.

comment 3631 comment by: *Icelandair*  
**Relevant Text:**  
EASA NPA 2009 (Entire NPA)  
**Comment:**  
Through this NPA EASA has introduced various major changes compared to EU-OPS which cannot be justified on safety grounds and which are against the mandate which was given to EASA by the EU legislator. Due to time-constraints and the complexity/size of this NPA, it is impossible for AEA to discover all mistakes and changes which have been introduced by EASA. The AEA notes that the European Commission and EASA Management Board share the AEA's concerns on this NPA and the need to align it with EU-OPS and JARs.

**Proposal:**

Realign the entire NPA with EU-OPS and JARs

comment 3632

comment by: *Icelandair***Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (f.e. uniform of the cabin crew) have been put in hard-law, whereas important safety requirements (f.e. definition of adequate aerodrome and Requirements for Rescue and Fire Fighting) have been put in guidance material only. This NPA could therefore lead to reduced flight safety which is unacceptable.

This NPA can therefore not be accepted by AEA.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or Guidance Material.

comment 3633

comment by: *Icelandair***Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, the AEA strongly disagrees with this flawed justification. EASA should stick to its safety mandate. Non-commercial operators of complex motor-powered aircraft (transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical. EASA's proposal to have lower safety rules is not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace (e.g this NPA could lead to an increased amount of mid-air collisions or runway incursions). This is completely unacceptable to AEA and it will make EASA liable in case of accidents involving non-commercial operators of complex motor-powered aircraft.

In this context, the AEA notes that there is already a disproportionate high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business operators). Finally, the AEA would like to point out that some type of non-commercial operations (transporting passengers) are competing with commercial operations. This NPA which opens the way for non-commercial operators to compete with commercial operators based on lower safety standards is therefore also not providing for a level playing field and is therefore against the basic principles of the common EU market.

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

comment

3634

comment by: *Icelandair***Relevant Text:**

All GM

**Comment:**

delete all Guidance Material (GM). All GM's are confusing and have no added value, since AMC give enough guidance.

**Proposal:**

delete all Guidance Material (GM).

comment

3667

comment by: *AIR FRANCE*

## Relevant Text:

EASA NPA 2009 (Entire NPA)

## Comment:

Definitions are spread among the different parts. Even if the terms are re-used in other parts, there no legal certainty on those definitions as quite often, it is stated that definitions are limited to a specific part. There is a need for more legal certainty as far as the definitions are concerned.

## Proposal:

Introduce a generic part for definitions which are common to different parts. Exemptions to the generic definitions could then be mentioned separately in each part when necessary.

comment

3668

comment by: *AIR FRANCE*

## Relevant Text:

EASA NPA 2009 (Entire NPA)

## Comment:

This NPA introduced various major changes compared to EU-OPS in terms of structure, wording and concepts which cannot be justified on safety grounds. Due to time-constraints and the complexity/size of this NPA, it is impossible to discover all mistakes and changes which have been introduced.

## Proposal:

Considered the need for a second NPA including all the NPA and sufficient time to review it.

comment

3752

comment by: *British Airways Flight Operations*

British Airways Flight Operations department has been actively involved with the industry working groups which have been assessing NPA 2009-02, both within the United Kingdom and internationally. In general, our opinions about the material presented in NPA 2009-02 agree wholeheartedly with those of the Association of European Airlines (AEA), which, we note, has submitted several hundred comments. We have also worked closely with the UK Civil Aviation Authority, which has also submitted several hundred comments.

We have decided to submit this general comment about NPA 2009-02 so that EASA will be aware, unambiguously, of British Airways' concerns about the material presented in the NPA. It is our opinion that NPA 2009-02 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and

reconsidered. The reasons for this conclusion will be discussed below. As well as making this general comment, British Airways has also submitted many individual comments about the NPA, from a number of different sources within the company; however, all should be seen in the light of this opinion: **that NPA 2009-02 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.** In making other comments British Airways does not seek to endorse NPA 2009-02, but rather to limit the damage which would be done to the industry if the material was adopted into implementing rules.

As the Chairman of the EASA Management Board is on record as saying: the Agency has set out to produce idealistic, holistic perfection; regrettably, it has failed in that task. British Airways' first concern is with the structure of the rule material presented. It is undeniably the case that safety proceeds from simplicity, not complexity. Therefore, for EASA to choose to move from a clear and unambiguous set of rules – published in one or two volumes (EU Ops / JAR Ops 1) – to a complicated and diverse set in many volumes causes us great concern. Furthermore, we note it was specifically the Agency's own decision to create a rule set based on the GERT: NPA 2009-02A makes it clear that neither the SSCC nor the AGNA endorsed that decision. We are also aware from conversations with some of the Agency's Rulemaking Officers that they were specifically instructed to use a different rules structure from that which had gone before "because EASA had to be different." We think such a policy decision - essentially to try to destroy the JAA heritage - by senior personnel from the Rulemaking Directorate (both those formerly employed and those still employed by the Agency) constitutes a serious error of judgment. We believe rules for commercial air transport should be published altogether in one volume, and not mixed with rule material for other types of aviation operations.

Another consequence of the Agency's desire to have one set of rules covering all types of operations is the combination of rule material for aeroplane operations and helicopter operations in the published NPA. Having had experience of the JAA rulemaking processes for Sub Parts D and E, we are aware that helicopter operations were never considered in the development of JAR Ops 1 material, and neither should they have been, by definition. Therefore, to propose rule material which is applicable to both types of operation in one document constitutes a serious mistake, which could give rise to what is called colloquially in English 'the law of unintended consequences'; in this case unintended, adverse, safety consequences. We are aware that one of the arguments the Agency has advanced for putting all rules in one place is the need for legal certainty in rulemaking. We are also aware that the Agency believes the same type of activity should not be regulated in more than one place. However, we believe those arguments are flawed: if rules were to be published separately for 'helicopters' and 'aeroplanes' they would be mutually exclusive and unambiguous, even if they contained similar material.

Many comments will doubtless be received by the Agency expressing disquiet that the material in NPA 2009-02 has departed greatly from EU Ops. We are very concerned that the Agency appears to have forgotten its mission – to promote SAFETY – and strayed into areas of social policy. Much new material has been introduced with no safety justification and with little, if any, meaningful regulatory impact assessment.

Leaving aside the concerns expressed above, much of the material proposed in NPA 2009-02 seems ill thought out and lacking in maturity. We are aware that the Agency has expressed concerns to the European Commission about its resourcing for the rulemaking tasks associated with the extension of scope to

Air Operations. Of course, if EASA is really short of resources, it would have made much more sense for the Agency to base its rulemaking on the existing EU Ops material rather than branching off in new directions. We are aware this latter opinion is shared by the European Commission. Furthermore, we would have expected rule material to be presented in a mature form; instead, we see rule proposals which seem like early drafts rather than finished material. It seems ungracious to say "we told you so"; however, the Agency will be aware that the AEA in particular expressed concern about the scope of the work required of the Agency versus the amount of time and resource available to it, and suggested the establishment of stakeholder working groups to help with the rulemaking tasks. Of course, those suggestions were firmly declined.

Throughout the rulemaking processes which lead to the publication of NPA 2009-02 *et al* various bodies have been engaged with EASA to offer help with its task and, latterly, to express concerns about the direction in which the rulemaking was proceeding. In particular, the AEA has been very proactive in discussing its thoughts and concerns with the Agency. Furthermore, we know the Agency's Executive Director has recently visited the CEOs of several major European operators to discuss issues of concern. Therefore, the Agency should be under no illusions that there is major dissatisfaction among the operators with the direction in which the rulemaking task has proceeded (although we are concerned that some people within the Agency still do not seem to have acknowledged or accepted that fact). Overall however, the Agency has resolutely refused to engage with the operators; has refused to acknowledge that its rulemaking proposals might be flawed; and has failed to understand its responsibilities to the organisations for which it is creating regulations. This lack of accountability is a major cause for concern.

Lastly, we are very concerned that we are being expected to comment on a large amount of new material, to tight timescales, but without all the relevant material having been published. Since EASA has produced a large amount of interdependent material, it is unacceptable for us to be expected to assess that material without all of it being available. The quality of the comments which the Agency receives will undoubtedly be adversely affected thereby, because interested parties are not in possession of all the relevant information.

Therefore, to summarise British Airways' position. We are greatly concerned with the material presented in NPA 2009-02 because:

- It is presented in many volumes in a way which makes it difficult to understand.
- It mixes material for helicopters and aeroplanes in the same document.
- It departs greatly from EU Ops and introduces new material with no safety justification.
- It is ill thought-out and not mature.
- It demonstrates a lack of accountability to operators by the Agency.
- It relies on unpublished material.

In isolation, any of these issues would give us significant cause for concern. Taken together, they lead us to conclude, unreservedly, **that NPA 2009-02 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.** All of the comments which will be entered by British Airways Flight Operations will be suffixed to that effect.

**Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

Through this NPA EASA has introduced a significant number of major changes compared to the EU-OPS document that it was supposed to be based on. This can neither be justified on safety grounds or for the overall benefit of the aviation industry. The methodology behind the creation of this NPA is not within the mandate which was given to EASA by the EU legislator. Due to time-constraints and the complexity/size of this NPA, it is impossible for any airline or organisation to discover all mistakes and changes which have been introduced by EASA. It is clear from the recent communications from the European Commission and EASA Management Board share the industry's concerns on this NPA and the need to align it with EU-OPS and JARs.

**Proposal:**

Realign the entire NPA with EU-OPS and JARs

comment 4050

comment by: *British Airways***Relevant Text:**

EASA NPA 2009-02 (Entire NPA)

**Comment:**

There is no consistency on the criteria used by EASA for putting certain requirements into the hard-law (IR) and others in soft-law (AMC) or guidance material. The result is that some minor and non-safety related issues (f.e. uniform of the cabin crew) have been put into hard-law, whereas important safety requirements (f.e. definition of adequate aerodrome and Requirements for Rescue and Fire Fighting) have been put in guidance material only. This NPA could therefore lead to reduced flight safety which is unacceptable. This NPA can therefore not be accepted by the Company.

**Proposal:**

Reconsider the entire NPA and realign it with EU-OPS. Introduce clear (safety) criteria as basis for decision to put certain requirements into IR, AMC or Guidance Material.

comment 4052

comment by: *British Airways***Relevant Text:**

EASA NPA 2009 (Entire NPA)

**Comment:**

EASA refers to a European Commission Communication on General Aviation and Business Aviation as a justification to introduce less stringent safety rules for business aviation.

With regard to business aviation involving complex motor-powered aircraft, the BA strongly disagrees with this flawed justification. EASA should adhere to its safety mandate. Non-commercial operators of complex motor-powered aircraft (transporting passengers) and that fly in the same airspace as commercial operators should be subject to IDENTICAL safety rules as commercial operators since the safety risks are identical. EASA's proposal to have lower safety rules is not only putting flight safety of non-commercial operators at risk, it is also putting the flight safety of commercial operators and their passengers at risk due to the fact that they share the same airspace (e.g this NPA could lead to an increased amount of mid-air collisions or runway incursions). This is completely unacceptable to BA and it will make EASA liable in case of accidents involving non-commercial operators of complex motor-powered aircraft.

In this context, the BA notes that there is already a disproportionate high number of accidents involving non-commercial operators using complex motor-powered aircraft (i.e. UK-CAA report on accidents involving business operators).

Finally, the AEA would like to point out that some type of non-commercial operations (transporting passengers) are competing with commercial operations. This NPA which opens the way for non-commercial operators to compete with commercial operators based on lower safety standards is therefore also not providing for a level playing field and is therefore against the basic principles of the common EU market.

**Proposal:**

Realign the implementing rules for non-commercial operators of complex motor-powered aircraft with those of commercial operators of complex motor-powered aircraft

**Relevant Text:**

All GM

**Comment:**

delete all Guidance Material (GM). All GM's are confusing and have no added value, since AMC give enough guidance.

**Proposal:**

delete all Guidance Material (GM).

comment 4081

comment by: *Ingo Pucks*

After having examined the NPA No 2009-02c, here are some remarks and suggestion in general:

- 1) Evaluate the benefits of licensing flight ops personnel like dispatchers and mass&balance staff.
- 2) Make the usage of an aircraft situational display with an MET and ATC overlay a necessity to improve the rate of inflight incidents.
- 3) Evaluate and make mandatory a system of a shared responsibility of flight crew and flight operation for the benefit of safety and efficiency.
- 4) The importance of quality management, safety management and human factors is largely not present in the document. The connections and

dependencies between the OM, the OM and the Safety Manual as well as the related processes shall be lined out clearly.

5) The importance and kind of training for personnel other than flight and cabin crew form an integral part of any flight operation and shall be outlined explicitly in the document.

comment 4089

comment by: *Cirrus Design Corporation*

The requirements proposed in Part-OR that are applicable to complex motor-powered aircraft assume an organization exists to support the operations of the airplane. For the Cirrus SF50, this will generally not be the case. Most operators will not have the business systems necessary to support such activities as defined by the Standard Operating Procedures of GM OR.OPS.100.GEN(d). These procedures are typical of an air operator using multiple airplanes with multiple individuals touching the airplane where system complexity necessitates the implementation of this type of system. The Cirrus SF50 will typically only have one individual responsible for the operations of a single aircraft. It would be overly burdensome to require a complex business system to manage the risk of this class of airplane.

Further, the operational requirements of the SF50 will be comparable to that of many other single-engine piston aircraft. The Operations Manual (OM) does not need to be

any more complex than the approved POH that is delivered with the aircraft. The requirements of OR.OPS.015.MLR and the associated AMC define requirements beyond what would be in a POH or otherwise necessary for non-commercial operations conducted by an owner-operator (e.g. management succession plan, management description, accident considerations, personnel qualifications, etc). However, the AMC do not allow the POH to act in place of the OM for complex motor-powered aircraft. This should be considered for non-organizational operators.

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comment 1478

comment by: *TAP Portugal*

**Relevant Text:**

(e) Wet lease agreement means an agreement between commercial operators holding a valid AOC in accordance with OR.OPS.015.AOC or an authorization in accordance with Part TCO pursuant to which the aircraft is operated under the AOC of the lessor.

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals).

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA

whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

comment 1890

comment by: *Walter Gessky*

**General comment:**

Generic occurrence reporting rules according EU-OPS 1.420 for the operator are missing. This would be the basis for the Agency to fulfill his obligations in accordance to Art 22/1. The system as proposed in NPA 2008/22 (change to part 21) is not adequate and therefore not supported.

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comment 1539

comment by: *Pietro Barbagallo ENAC*

1) General Comment: With the new set of regulations (Part OR,OPS), consisting of different Parts, it may be difficult for the applicant to establish an easy compliance with the applicable requirements. It is necessary to go through different Parts and find out which requirements are applicable. It could be better to have, like it is today, specific set of regulations for each kind of operation. This is more significant if the search of the applicable requirements through the electronic tool box (available on EASA web site) is not a certified result.

Justification: It may be difficult for the applicant to establish compliance with applicable requirements.

2) General Comment: Several of present requirements included in EU OPS and JAR OPS 3 amend. 5 will be moved to AMC and GM.

Justification :opening up to a wide range of alternative AMCs throughout the EU before the Agency can assess their validity in such a potentially wide range of applications and with an even longer lag before standardisation audits can suggest remedial actions, seems us to carry a significant safety and business risks. The NPA does not suggest that the Agency should give prior approval to alternative AMCs to be adopted by NAAs, and recognise that this would not be appropriate given the legal responsibility to member States to ensure relevant implementation of the relevant Essential Requirements and Implementing Rules. However, if alternative AMCs are to be widely developed and promulgated throughout the community, it seems to us that the Agency and the NAAs should explore urgently what kind of processes could be developed to provide that, as far as possible, the Agency is able to carry out its assessment before alternative AMCs are authorised by an applicant.

3)General Comment: A list of definitions is shown on each Part and relevant guidance material. It could be more useful to have a unique list of definitions because a term may be referred in more than one Part while its definition is provided only in one specific Part.

comment 2730

comment by: *bmi REGIONAL*

It is the opinion of bmi regional that EASA should seriously consider the recently submitted comments made by the CAA and those of the AEA and we align our opinion with those submitted by these organisations.

comment

3105

comment by: DGAC

**Proposal:**

Clarify that an organisation as well as an operator is a legal or natural person and amend AR.GEN and OR.GEN consistently when the word person has been unnecessarily added to the word organisation

**Justification:**

To be able to analyse this subpart (and make it applicable later on) we need to know what is applicable to whom.

It is our understanding (but needs confirmation by EASA) that :

Part OR in its whole is applicable to organisations and that, in the case of operations an organisation is an operator as defined in the Basic Regulation (R216/2008).

Part OR.OPS is only applicable to a subcategory of organisations-operators : those conducting commercial operations or non commercial operations of complex motor-powered aircraft

According to oral explanations given by EASA (*including when meeting the NAAs in Paris in May 09*) :

an organisation can be a legal or natural person (which is in line with the definition of operator in the BR);

when "persons" are addressed in expressions like "an organisation or a person" or "persons or organisations" in AR.GEN and OR.GEN (as proposed in NPA 2008-22), the word person should only mean a natural person seeking or holding an individual certificate or equivalent (e.g. a pilot licence), but in no case a person acting as an organisation performing or proposing to perform an activity covered by the BR.

if some provisions of AR.GEN and OR.GEN (as proposed in NPA 2008-22) are in contradiction with the above logic (e.g. OR.GEN.040 Declaration), they shall be corrected.

comment

3242

comment by: IAOPA Europe

Generally it is found that the current proposal for organisational requirements is not well adapted and proportional for the small one-man organization which in practice may well be a private individual who just enjoys flying his complex aircraft for recreational purposes or for personal transportation.

Trying to enforce an artificial organisational structure with reporting schemes, management structures, written descriptions of all processes and tasks will primarily be a huge time consuming academical paper exercise that does very little to improve flight safety for a one-man-operation.

It might in fact have the opposite effect since it distracts attention from operational tasks which are much more directly related to flight safety such as careful pre-flight planning, checking weather, keeping up to date with airspace requirements etc.

Non commercial operators have been operating complex aircraft for many years without such requirements and according to EASAs own RIA has a safety record which is superior to that of air taxi operators operating equivalent

aircraft. There is therefore no safety case for burdening this group of operators with a whole range of additional organisational requirements.

IAOPA understands that many of these requirements stems from the Basic Regulation which is not the subject of this NPA and which EASA has no direct control over, and IAOPA has throughout the process warned that these requirements would be unsuitable for the small non-commercial operator. In response to this, EASA has repeatedly stated that the implementing rules would be made proportional so that it would cater for the even the smallest non-commercial operator affected by the regulation. With the current NPA in hand regrettably this is not seen to be the case. The majority of rules are clearly written to make sense in a large organisation with paid staff, not for a purely private one-man operation with no paid staff.

How is a private individual supposed to "record all duty and rest periods" as proposed in this NPA? Must he write down every time he goes to sleep? The rule is clearly inappropriate for a private individual with no duty schedule. Yet a private individual must comply with this kind of rule which makes no sense for him.

IAOPA urges both EASA and the Commission to reintroduce the concept of a "Minor Operator" that was originally introduced in JAR OPS 0,2&4. The purpose should be to exempt very small operators from requirements which are entirely inappropriate when there is no genuine organisation.

Since this would involve a revision of the Basic Regulation a separate appeal will be sent directly to the Commission. For now IAOPA will encourage EASA to create a separate rulemaking task focusing on the very small organisation and with with the aim of creating a set of basic rules and AMCs which gives genuine safety benefits for this kind of operator.

### C. III. Draft Opinion Part-OR - Subpart OPS - Section I

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comment 3107

comment by: DGAC

We do not understand the rationale for mentioning R 216/2008 in the scope of part OPS subparts GEN, CAT & COM and not mentioning it in the scope of both part OR subpart OPS and part OPS subpart SPA?

If, as explained by EASA, the mere application of those subparts is not enough to ensure compliance with the BR, then mentioning the BR in the scope should be avoided as it is confusing and misleading.

#### **"OR.OPS.005.GEN Scope**

This subpart establishes additional requirements to be followed by an air operator:

- (a) Conducting non-commercial operations with complex motor-powered aircraft;
- (b) To qualify for the issue or continuation of an air operator certificate to conduct commercial operations. »

#### **"OPS.GEN.005 Scope**

This subpart establishes the requirements to be met by an operator to ensure that air operations are conducted in compliance with Article 8 in conjunction with Annex IV to Regulation (EC) No 216/2008 (Essential requirements for air operations)."

#### **"OPS.CAT.001 Scope**

This subpart establishes additional and specific requirements to be met by an operator undertaking commercial air transport operations, to ensure compliance with Annex IV to Regulation (EC) No 216/2008 (Essential requirements for air operations)".

**"OPS.COM.005 Scope**

This subpart establishes additional and specific requirements to be met by an operator undertaking commercial operations other than Commercial Air Transport, to ensure compliance with Annex IV to Regulation (EC) No 216/2008 (Essential requirements for air operations)."

**"OPS.SPA.005.GEN Scope**

This part establishes the requirements to be met by an operator to qualify for the issue or continuation of specific operational approvals."

**C. III. Draft Opinion Part-OR - Subpart OPS - Section I - OR.OPS.005.GEN  
Scope**

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- comment 452 comment by: *Quality Assurance, Denim Air*
- The inability to allow dynamic references to other standards – in particular the ICAO TIs for DG – is of concern. If EASA does not keep up with international developments operators face double jeopardy – the NAA won't let us use a new ICAO rule, but a foreign NAA (during a ramp check, for example) will fine us for not having applied it. It is not credible that EASA cannot address this matter and avoid slipping behind on international rulemaking developments.
- comment 590 comment by: *Luffahrt-Bundesamt*
- Regarding the operation of sailplanes and powered sailplanes and the possible economic gain with such type of operation, we seriously doubt that the proposed regulations will improve the safety in any detectable way, but lead to a significant decrease of the activities and consequently to a decline in this kind of aviation.
- We propose to exempt sailplanes and powered sailpanes from the scope of this NPA and add the following wording:  
"The operation of sailplanes and powered sailplanes is exempted from the scope of this subpart."
- comment 1150 comment by: *DGAC*
- test 1
- comment 1223 comment by: *UK CAA*
- Page No:** 4
- Paragraph No:** OR.OPS.005.GEN
- Comment:**  
OR.OPS.005.GEN states that this subpart establishes additional requirements to be followed by an air operator. This means that all of the obligations contained in the subpart must fall on the operator as opposed to, for example, a flight crew member or pilot in command. Where the requirement is for some express action to be undertaken by an operator this is clear enough. But many

requirements are not framed by reference to the operator. For example, OR.OPS.145.FC provides that "each flight crew member shall complete recurrent training ...". The legal obligation would appear to be that the operator must ensure that each flight crew member shall complete recurrent training. If all obligations are aimed at the operator, the text should avoid the impression that an obligation is being placed on any other person. If it is intended to place obligations on persons other than the operator, OR.OPS.005.GEN should make that clear.

comment

1228

comment by: UK CAA

**Page No:** 4**Paragraph No:**

OR.OPS.005.GEN (b)

**Comment:** The reference to "an air operator certificate" to conduct commercial operations, assumes only one kind of certificate covering all kinds of commercial operations

**Justification:** The UK CAA considers that one kind of "operator certificate" is not appropriate due to the specific international requirements/obligations regarding an "Air Operator Certificate". The UK proposes that two kinds of certificate be provided for commercial operations, one for CAT and one for commercial operations other than CAT (see also comment 595 to NPA 2008-22).

**Proposed Text (if applicable):**

(b) To qualify for the issue of a certificate to conduct commercial operations.

comment

3459

comment by: Graham HALLETT

OR.OPS.005.GEN

Given that it has been determined by EASA that there is an average of only two balloon accidents per year throughout Europe which may be attributable to OPS, (NPA2009-02G1, 2.3.2.7) it is clear that there is minimal need for operator certification for most commercial ballooning activities, with the possible exception of Commercial Air Transport with balloons. These other ballooning commercial activities should therefore be excluded from the scope of these proposed regulations.

This could be achieved by rewording subclause (b) and splitting it into two subclauses (b) and (c) as follows:

(b) To qualify for the issue or continuation of an air operator certificate to conduct commercial air transport operations;

(c) To qualify for the issue or continuation of an air operator certificate to conduct commercial operations (except balloons).

comment

3877

comment by: EHOC

Paragraph (a)

The use of the single discriminant - of complex aircraft - for the application of this Part to non-commercial operations is too simplistic.

The revision of Annex 6 Part II was based upon the work undertaken for JAR-OPS 2 - Corporate Aviation; the conceptual discussion over the scope of JAR-OPS 2 was mostly concerned with the attempt to decide for what type of operations an 'organisation' was present (or desirable). The debate was extremely long and intense and, in the end, it was decided that there could not be a single discriminant.

The discriminant first considered was an aircraft above a certain break - aligning with those of 23/25 and 27/27; as did EASA, the working group considered that these were complex aircraft for which, in order to operate, an 'organisation' would be required. (This decision was (for aeroplanes) later endorsed by the working group amending Annex 6 Part II.)

Having taken this initial decision, the JAR-OPS 2 working group continued to deliberate on the requirement for an 'organisation', considering the case where more than one aircraft was being employed for Corporate Operations; clearly the more aircraft employed, the more important (to safety and efficiency) an organisation would be - even if those aircraft were non-complex. The operation of more than one aircraft at any one time became the second discriminant. This decision was partially endorsed by the ICAO Annex II working group which resulted in the Recommendation in Chapter 3.2:

Recommendation.- A corporate aviation operation involving three or more aircraft that are operated by pilots employed for the purpose of flying the aircraft should be conducted in accordance with Section 3.

The note to this Recommendation also took a mix of aeroplanes and helicopters into consideration.

In the event, the JAR-OPS 2 working group decided that this set of discriminants might be too heavy and, for Minor Corporate Operations, provided a set of requirements that were proportionate to the size of the organisation.

It is somewhat surprising that the conceptual work conducted for JAR-OPS 2, and Annex 6 Part II, was not considered in the provision of this draft.

As an illustration of what might occur with such a simple scope, consider two operations:

1. Operator A has a single EC145 which has six passenger seats and which is owned and run for VFR private use;
2. Operator B has five EC135s each of which have six passenger seats and which are owned and operated for 'Single Pilot IFR' corporate operations.

When looked at objectively, the complexity the two aircraft is almost identical but Operator B should, undoubtably, have an 'organisation' to manage the operation.

The simplistic use of 'complex aircraft' is not confined to Part OR, it is also used for the Operational Suitability Certificate (OSC) where it will also be problematical. In the OSC, non-complex aircraft (which, for helicopters, includes the small but sophisticated twins like the EC135) do not require to have specific training courses and MMELs defined and can take advantage of 'generic' arrangements.

It is recommended that the scope of this rule is further considered. The

qualification for an organisation cannot be as simple as a single aircraft mass discriminant; it will have to take into consideration other issues that are more relevant. It is also necessary, in the interest of proportionality, to work in the other direction and look at providing the equivalent of a lighter touch for 'Minor Corporate Operations'.

It would be unfortunate if the substantial time and effort spent in the original conceptual work for JAR-OPS 2, and Annex 6 Part II, was completely disregarded.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section I - OR.OPS.010.GEN  
Definitions**

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comment

602

comment by: AEA

**Relevant Text:**

(e) Wet lease agreement means an agreement between commercial operators holding a valid AOC in accordance with OR.OPS.015.AOC or an authorization in accordance with Part TCO pursuant to which the aircraft is operated under the AOC of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals).

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

comment

603

comment by: AEA

**Relevant Text:**

(f) Undertaking means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not

**Comment:**

This definition is only valid for § d & e above. There are multiple other occurrences within this subpart where this definition does not fit (example OR. OPS.015.FTL §e (“the cumulative effects of undertaking long duty hours...”))

**Proposal:**

Suggest to delete this definition to avoid confusion

comment 604

comment by: AEA

**Relevant Text:**

(d) Dry Lease Agreement means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee

**Comment:**

'Between undertakings' is unclear and could lead to confusion.

**Proposal:**

Delete 'between undertakings'

comment 1064

comment by: Ingo Pucks

(b) Flight Data Monitoring (FDM). Considering the available technology a(EFB, SATCOM etc.) and the advantages of a flight watch/flight monitoring and an aircraft situational display (ASD), the proposal is made to evaluate how the above mentioned systems can contribute to flight safety and operational awareness. Hence a more in-depth definition of FDM might be required. The above mentioned applications can and should be used to enhance safety, situational awareness, response time (AF447 is an example) and connect flight crews with the aircraft dispatchers on the ground enabling immediate exchange of operational relevant information, both in text and visual.

comment 1229

comment by: UK CAA

**Page No:** 4**Paragraph No:**

OR.OPS.010.GEN (a)

**Comment:** UK CAA does not understand why code-share arrangements which are essentially marketing arrangements, and which according to this definition may cover arrangements with operators that never visit the Community, should be covered by these OPS requirements.

**Justification:** Given that the scope of these requirements is, according to OPS.GEN.005, to establish requirements to be met to ensure compliance with Article 8 of 216/2008, the UK CAA presumes that code-sharing arrangements are included because it is thought necessary for operation of aircraft referred to in Article 4.1 (c). The CAA does not consider that "an arrangement under which an operator places its designator on a flight operated by another operator" can reasonably be interpreted as a means by which the aircraft used on the flight is used by the first operator. The scope of Article 4.1(c) was discussed at length during negotiation of the text and at the UK specific request was confirmed to cover wet-leasing arrangements: there was no mention of code-sharing arrangements.

**Proposed Text (if applicable):**

Delete (a)

comment

1232

comment by: *UK CAA***Page No:** 4**Paragraph No:**

OR.OPS.010.GEN (b) Flight Data Monitoring

**Comment:** The definition of Flight Data Monitoring should only define FDM and not the way in which it may be used. It cannot always be the case that the use of FDM material will be non-punitive. Whilst the data should not be used in a punitive way in cases of unpremeditated or inadvertent infringements of law, there must be an exception in cases of deliberate or gross negligence. The competent authority must also have the right to use FDM material in cases of incompetence by a pilot, which could seriously affect safety.

**Justification:** The definition, as written, would impose a limitation on the competent regulatory authority and could restrict their use of vital safety information. Any policy on how FDM material may be used should be developed separately and not by inclusion in a definition.

**Proposed Text (if applicable):** 'means the use of digital flight data from routine operations to improve aviation safety.'

comment

1371

comment by: *AOPA-Sweden*

The term operator does seem very ambiguous, already in the Article 3 (h) of the Basic Regulation.

Who is the responsible operator on the following two cases? There are more.

1, An airplane is owned by a third country trust, with two equal beneficiaries and is flown by pilots lose connection to either one of the beneficiaries, a beneficiary does not have any legally responsibility within a trust.

2. An airplane is owned by two or three individuals and is also flown by mutual friends to them. A responsibility can not be shared by several individuals

comment

1480

comment by: *TAP Portugal***Relevant Text:**

(d) Dry Lease Agreement means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee

**Comment:**

'Between undertakings' is unclear and could lead to confusion.

**Proposal:**

Delete 'between undertakings'

comment

1483

comment by: *TAP Portugal***Relevant Text:**

(f) Undertaking means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not

**Comment:**

This definition is only valid for § d & e above. There are multiple other occurrences within this subpart where this definition does not fit (example OR.OPS.015.FTL §e ("the cumulative effects of undertaking long duty hours..."))

**Proposal:**

Suggest to delete this definition to avoid confusion

comment

1891

comment by: *Walter Gessky*1. **OR.OPS.010.GEN**

Delete (a):

~~(a) 'Code share' means an arrangement under which an operator places its designator code.~~

This shall be deleted.

Justification:

Art 4.1(c) was agreed on the assumption that this covers "leasing agreements" and not "code sharing agreements. No mandate for the COM in the basic regulation to regulate code share in this IR, because this is also not regulated in EU-OPS.

comment

2035

comment by: *AUSTRIAN Airlines***Relevant Text:**

(e) Wet lease agreement means an agreement between commercial operators holding a valid AOC in accordance with OR.OPS.015.AOC or an authorization in accordance with Part TCO pursuant to which the aircraft is operated under the AOC of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals).

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

comment

2036

comment by: *AUSTRIAN Airlines***Relevant Text:**

(f) Undertaking means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not

**Comment:**

This definition is only valid for § d & e above. There are multiple other occurrences within this subpart where this definition does not fit (example OR. OPS.015.FTL §e ("the cumulative effects of undertaking long duty hours..."))

**Proposal:**

Suggest to delete this definition to avoid confusion

comment

2037

comment by: *AUSTRIAN Airlines***Relevant Text:**

(d) Dry Lease Agreement means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee

**Comment:**

'Between undertakings' is unclear and could lead to confusion.

**Proposal:**

DelDelete 'between undertakings'

comment

2333

comment by: *KLM***Relevant Text:**

(e) Wet lease agreement means an agreement between commercial operators holding a valid AOC in accordance with OR.OPS.015.AOC or an authorization in accordance with Part TCO pursuant to which the aircraft is operated under the AOC of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

comment

2334

comment by: *KLM***Relevant Text:**

(f) Undertaking means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not

**Comment:**

This definition is only valid for § d & e above. There are multiple other occurrences within this subpart where this definition does not fit (example OR. OPS.015.FTL §e ("the cumulative effects of undertaking long duty hours..."))

**Proposal:**

Suggest to delete this definition to avoid confusion

comment 2335 comment by: *KLM*

**Relevant Text:**  
 (d) Dry Lease Agreement means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee

**Comment:**  
 'Between undertakings' is unclear and could lead to confusion.

**Proposal:**  
 Delete 'between undertakings'

comment 2506 comment by: *Deutsche Lufthansa AG*

**Relevant Text:**  
 (e) Wet lease agreement means an agreement between commercial operators holding a valid AOC in accordance with OR.OPS.015.AOC or an authorization in accordance with Part TCO pursuant to which the aircraft is operated under the AOC of the lessor

**Comment:**  
 The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**  
 Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

comment 2507 comment by: *Deutsche Lufthansa AG*

**Relevant Text:**  
 (f) Undertaking means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not

**Comment:**  
 This definition is only valid for § d & e above. There are multiple other occurrences within this subpart where this definition does not fit (example OR.OPS.015.FTL §e (“the cumulative effects of undertaking long duty hours...”))

**Proposal:**  
 Suggest to delete this definition to avoid confusion

comment 2508 comment by: *Deutsche Lufthansa AG*

**Relevant Text:**  
 (d) Dry Lease Agreement means an agreement between undertakings pursuant

to which the aircraft is operated under the AOC of the lessee

**Comment:**

'Between undertakings' is unclear and could lead to confusion.

**Proposal:**

Delete 'between undertakings'

comment

2789

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(e) Wet lease agreement means an agreement between commercial operators holding a valid AOC in accordance with OR.OPS.015.AOC or an authorization in accordance with Part TCO pursuant to which the aircraft is operated under the AOC of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs, approval by NAAs is therefore more practical (EASA is not equipped to deal with short-term needs/ operational approvals).

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet-leases will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This is also in contradiction to the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

comment

2866

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(e) Wet lease agreement means an agreement between commercial operators holding a valid AOC in accordance with OR.OPS.015.AOC or an authorization in accordance with Part TCO pursuant to which the aircraft is operated under the AOC of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals).

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This is also in

contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

comment

2867

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(f) Undertaking means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not

**Comment:**

This definition is only valid for § d & e above. There are multiple other occurrences within this subpart where this definition does not fit (example OR. OPS.015.FTL §e (“the cumulative effects of undertaking long duty hours...”))

**Proposal:**

Suggest to delete this definition to avoid confusion

comment

2868

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(d) Dry Lease Agreement means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee

**Comment:**

‘Between undertakings’ is unclear and could lead to confusion.

**Proposal:**

Delete ‘between undertakings’

comment

3113

comment by: *DGAC*

Where are the definitions for Flight Crew, Cabin Crew, Technical Crew Member?

All definitions that are used in more than one Part should be in a common document at the same level than the FCL, AR, OR and OPS Cover Regulations

comment

3347

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

There is need for a global part dedicated to definitions. Moreover the definitions of OR.OPS.010.GEN can not be considered as complete as they are restricted to the subpart OPS.

**Proposal**

We suggest a specific part or the EASA regulation framework may contain a comprehensive and exhaustive list of definitions, applicable to the whole EASA regulation, which is the best way to have consistent and non-redundant definitions.

**Justification**

This might be a legal issue regarding the scope of understanding and cause problems of reading

comment 3669

comment by: AIR FRANCE

## Relevant Text:

(e) Wet lease agreement means an agreement between commercial operators holding a valid AOC in accordance with OR.OPS.015.AOC or an authorization in accordance with Part TCO pursuant to which the aircraft is operated under the AOC of the lessor

## Comment:

The NPA TCO is not available, it is therefore difficult to give comments on that part of the proposed text. Wet-leasing is mostly required at short notice to cover for short-term needs, approval by NAAs is then more practical.

The NPA text impose the full implementing rules provisions on wet—lease. This will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This seems to be in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety. It will reduce the access of EU airlines to wet-lease capacity

Proposal: Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules.

comment 3670

comment by: AIR FRANCE

## Relevant Text:

(f) Undertaking means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not

## Comment:

This definition is only valid for § d & e above. There are multiple other occurrences within this subpart where this definition does not fit (example OR. OPS.015.FTL §e (“the cumulative effects of undertaking long duty hours...”))

## Proposal:

Suggest to delete this definition to avoid confusion

comment 3671

comment by: AIR FRANCE

## Relevant Text:

(d) Dry Lease Agreement means an agreement between undertakings pursuant to which the aircraft is operated under the AOC of the lessee

## Comment:

‘Between undertakings’ is unclear and could lead to confusion.

## Proposal:

Delete ‘between undertakings’

**C. III. Draft Opinion Part-OR - Subpart OPS - Section I - OR.OPS.100.GEN  
Operator responsibilities**

p. 4

comment 157

comment by: Association of Dutch Aviation Technicians NVLT

**OR.OPS.100.GEN Operator responsibilities**

*(d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phases of flight other than those required for the safe operation of the aircraft.*

New text proposal:

"The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff, certifying staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phases of flight other than those required for the safe operation of the aircraft".

Explanation: It is a common practice that in a line maintenance environment an engine test run has to be performed for evaluation of technical complaints. In most cases this test run should be performed according the Aircraft Maintenance Manual of the particular aircraft type chapter 5, a pilot is not qualified to perform those test, therefore a certifying mechanic B1 or B2 shall carry out these tests. Due the burden of time, in some cases these tests will be carried out with the crew and passengers on board. Due the fact that the certifying mechanic B1 or B2 is operating the engines there is in this case no clear definition who will be responsible for the safety on board for crew and passengers. In case of an emergency during the test run it is the certifying mechanic B1 or B2 who should notice the upcoming danger. It is to our opinion his or her responsibility to act directly as for example to declare an emergency procedure. Therefore there should be proper guidance from the operator how to act in this case, the responsibilities of the crew and certifying mechanic B1 or B2 should be a clearly defined to avoid misinterpretations and unwanted unsafe situations.

To our opinion there should by a mandatory safety training for certifying staff B1 or B2 who is performing engine test runs on a aircraft for maintenance purposes. There should be no difference in the operators safety procedures for operating aircraft engines by flight crew or certifying staff B1 or B2.

comment

160

comment by: *Association of Dutch Aviation Technicians NVLT*

General: I f a technical complaint for example a specific flight control problem has been solved conform the proper maintenance procedures, it is commonly used that a test flight has to be performed for verification. After a successful test flight the aircraft will be put in commercial service. The certifying staff who are involved with this complaint are also flying along with this test flight for monitoring purposes and evaluation, there is nothing mentioned in this NPA which procedures should be followed in this case.

There should be a procedure for technical test flight, who is involved and which actions and duties are allowed.

comment

342

comment by: *Air Grischka Helikopter AG*

comment

469

comment by: *CAA-NL*

**Comment CAA-NL:**

The text refers to but one element of required dangerous goods training. Also, it refers only to personnel involved "in the handling of aircraft". There are a number of categories of staff (e.g. passenger check in staff, cargo warehouse staff) who work remotely from aircraft but require training. It is also queried why the text "crew members" is needed since these would also be "personnel". Additionally, it is quite common for operators to contract training out to a third party and the text should reflect this.

**Justification:** Part 1 Chapter 4 of the Technical Instructions details the training requirements for all categories of staff.

**Proposed Text (if applicable):**

(f) The operator shall ensure its personnel are trained as required by the International Civil Aviation Organization's Technical Instructions (ICAO TI) for the Safe Transport of Dangerous Goods by Air.

comment 581 comment by: *International Air Transport Association*

OR.OPS.100.GEN(f)

The text of this subparagraph differentiates between crew members and personnel, which appears to be unnecessary as crew members are personnel. In addition the text only refers to persons involved in the handling of aircraft. It could be argued that passenger check-in personnel are not actually involved in "handling aircraft".

It is therefore proposed that this text be revised to read as follows:

"(f) The operator shall ensure that its personnel are trained in accordance with the requirements of the ICAO Technical Instructions."

comment 605 comment by: *AEA*

**Relevant Text:**

(b) The operator shall establish and maintain a system for exercising operational control and supervision over any flight operated under the terms of its declaration or certificate.

**Comment:**

This definition is no in line with EU-OPS.1.195 (Operational Control) which does not refer to supervision to reflect the different concept used in EU compared to North-America.

**Proposal:**

Delete 'supervision' in order to realign this definition with EU-OPS.

comment 606 comment by: *AEA*

**Relevant Text:**

- (a) The operator is responsible for the operation of aircraft in accordance with Annex IV of the Basic Regulation, Part-OPS, the applicable subparts of this Regulation and its declaration or certificate

...

- (d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures

shall not require crew members to perform any activities during critical phase of flight other than those required for safe operation of the aircraft.

**Comment/Proposal:**

Point (a) is superfluous and could be replaced with a generic paragraph highlighting the need for the operator to comply with the applicable legislation. Suggest to add the definition of "Declaration" within OR.OPS.010.GEN in order to highlight that it is only related to non commercial operations of complex motor powered aircraft.

Critical phases of flight should be defined in OR.OPS.010.GEN (or in a common definition part) as defined in OPS.GEN.010 §15. The definitions paragraph states that the definition are only for the purpose of the subpart, then not applicable for other subparts.

comment 886 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**Concern Detail:**

The text refers to but one element of required dangerous goods training. Also, it refers only to personnel involved "in the handling of aircraft". There are a number of categories of staff (e.g. passenger check in staff, cargo warehouse staff) who work remotely from aircraft but require training. It is also queried why the text "crew members" is needed since these would also be "personnel". Additionally, it is quite common for operators to contract training out to a third party and the text should reflect this.

**Comment:**

Part 1 Chapter 4 of the Technical Instructions details the training requirements for all categories of staff.

**Proposal:**

(f) The operator shall ~~train~~ ensure its ~~crew members and personnel involved in the handling of aircraft to recognise dangerous goods that may be carried inadvertently~~ are is trained as required by the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air.

comment 1176 comment by: *Ingo Pucks*

(b) The operator shall establish, maintain and constantly improve (QM) a system for exercising operational control, in-flight assistance and support and supervision over any...

comment 1224 comment by: *UK CAA*

**Page No:** 4 of 136

**Paragraph No:**  
OR.OPS.100.GEN(c)

**Comment:** Add text to include flight & ground crew responsibilities, which must be trained and tested.

**Justification:** It is important that procedures & training are developed for all those who have duties that are related to any particular flight.

**Proposed Text (if applicable):** Add after "of operation". *The operator shall*

*ensure that all personnel involved in ground & flight operations are properly instructed, and have demonstrated their abilities, in their particular duties and are aware of the relationship of such duties to the operation as a whole.*

comment

1234

comment by: UK CAA

**Page No:** 4**Paragraph No:**

OR.OPS.100 GEN para (e)

**Comment:** There is no text connecting the aircraft manufacturer's drills, as detailed in the Aircraft Flight Manual, with the required operator checklists.

**Justification:** Normal, Abnormal and Emergency procedures must be addressed in the operator's checklists using the Aircraft Flight Manual.

**Proposed Text (if applicable):**

Expand the last sentence to read " ....shall observe human factors principles and reflect the aircraft manufacturer's approved Flight Manual."

comment

1235

comment by: UK CAA

**Page No:** 4**Paragraph No:**

OR.OPS.100.GEN (f)

**Comment:** The text refers to only one element of required dangerous goods training. Also, it refers only to personnel involved "in the handling of aircraft". There are a number of categories of staff (e.g. passenger check in staff, cargo warehouse staff) who work remotely from aircraft but require training. It is also queried why the text "crew members" is needed since these would also be "personnel". Additionally, it is quite common for operators to contract training out to a third party and the text should reflect this.

**Justification:** Part 1 Chapter 4 of the Technical Instructions details the training requirements for all categories of staff.

**Proposed Text (if applicable):**

(f) The operator shall ~~train~~ ensure its ~~crew members and personnel involved in the handling of aircraft~~ to recognise dangerous goods that may be carried inadvertently are trained as required by the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air.

comment

1431

comment by: Pietro Barbagallo ENAC

**Comment:** the text refers to but one element of required dangerous goods training. Also, it refers only to personnel involved "in the handling of aircraft". There are a number of categories of staff (e.g. passenger check in staff, cargo warehouse staff) who work remotely from aircraft but require training. It is also queried why the text "crew members" is needed since these would also be "personnel". Additionally, it is quite common for operators to contract training

out to a third party and the text should reflect this.

Justification: Part 1 Chapter 4 of the ICAO Technical Instructions details the training requirements for all categories of staff.

Proposed text: Amend OR.OPS.100.GEN (f) as follows: The operator shall ensure its personnel are trained as required by the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air.

comment

1445

comment by: *Pietro Barbagallo ENAC*

Comment: OR.OPS.100.GEN (f)

The text refers to but one element of required dangerous goods training. Also, it refers only to personnel involved "in the handling of aircraft". There are a number of categories of staff (e.g. passenger check in staff, cargo warehouse staff) who work remotely from aircraft but require training. It is also queried why the text "crew members" is needed since these would also be "personnel". Additionally, it is quite common for operators to contract training out to a third party and the text should reflect this.

Justification: Part 1 Chapter 4 of the ICAO

Proposal: Amend OR.OPS.100. GEN (f) as follows: The operator shall ~~train~~ ensure its crew members and personnel involved in the handling of aircraft to recognise dangerous goods that may be carried inadvertently are trained as required by the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air. Technical Instructions details the training requirements for all categories of staff.

comment

1481

comment by: *TAP Portugal*

**Relevant Text:**

(b) The operator shall establish and maintain a system for exercising operational control and supervision over any flight operated under the terms of its declaration or certificate.

**Comment:**

This definition is no in line with EU-OPS.1.195 (Operational Control) which does not refer to supervision to reflect the different concept used in EU compared to North-America.

**Proposal:**

Delete 'supervision' in order to realign this definition with EU-OPS.

comment

1482

comment by: *TAP Portugal*

**Relevant Text:**

- (a) The operator is responsible for the operation of aircraft in accordance with Annex IV of the Basic Regulation, Part-OPS, the applicable subparts of this Regulation and its declaration or certificate

...

- (d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phase of flight other than those required for safe operation of the aircraft.

**Comment/Proposal:**

Point (a) is superfluous and could be replaced with a generic paragraph highlighting the need for the operator to comply with the applicable legislation. Suggest to add the definition of "Declaration" within OR.OPS.010.GEN in order to highlight that it is only related to non commercial operations of complex motor powered aircraft.

Critical phases of flight should be defined in OR.OPS.010.GEN (or in a common definition part) as defined in OPS.GEN.010 §15. The definitions paragraph states that the definition are only for the purpose of the subpart, then not applicable for other subparts.

comment

1627

comment by: CAA-NL

Comment CAA-NL:

It is not clear why OR.OPS.100.GEN (f) (regarding dangerous goods) is created. In reference to NPA 2009-02B OPS.GEN.030 (a) ICAO doc should be applied. Which indicates that all requirements are an operator responsibility. In OR.OPS.100.GEN (f) there is only a reference to a specific party of the training requirements of DG, instead of a general reference to all operator responsibilities, identified in OPS.GEN.030.

comment

1882

comment by: Southern Cross International

OR.OPS.100.GEN (e)

Due to the wide variety of aircraft operated by our company during test flights and ferry flights, including type variations and different production standards within a given aircraft type, and given the extremely short period of time for which those aircraft may be operated (this may be even a single test flight) and the varied backgrounds of the pilots flying these aircraft, the use of one standard checklist for each aircraft type is not practicable.

In these cases it should be possible to refer to the manufacturer recommended operating procedures of this aircraft type/variant and abnormal/emergency procedures as published in the AFM belonging to the subject aircraft.

comment

2038

comment by: AUSTRIAN Airlines

**Relevant Text:**

(b) The operator shall establish and maintain a system for exercising operational control and supervision over any flight operated under the terms of its declaration or certificate.

**Comment:**

This definition is no in line with EU-OPS.1.195 (Operational Control) which does not refer to supervision to reflect the different concept used in EU compared to North-America.

**Proposal:**

Delete 'supervision' in order to realign this definition with EU-OPS.

comment

2039

comment by: AUSTRIAN Airlines

**Relevant Text:**

- (a) The operator is responsible for the operation of aircraft in accordance with Annex IV of the Basic Regulation, Part-OPS, the applicable

subparts of this Regulation and its declaration or certificate

...

- (d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phase of flight other than those required for safe operation of the aircraft.

**Comment/Proposal:**

Point (a) is superfluous and could be replaced with a generic paragraph highlighting the need for the operator to comply with the applicable legislation. Suggest to add the definition of "Declaration" within OR.OPS.010.GEN in order to highlight that it is only related to non commercial operations of complex motor powered aircraft.

Critical phases of flight should be defined in OR.OPS.010.GEN (or in a common definition part) as defined in OPS.GEN.010 §15. The definitions paragraph states that the definition are only for the purpose of the subpart, then not applicable for other subparts.

comment

2336

comment by: *KLM*

**Relevant Text:**

(b) The operator shall establish and maintain a system for exercising operational control and supervision over any flight operated under the terms of its declaration or certificate.

**Comment:**

This definition is no in line with EU-OPS.1.195 (Operational Control) which does not refer to supervision to reflect the different concept used in EU compared to North-America.

**Proposal:**

Delete 'supervision' in order to realign this definition with EU-OPS.

comment

2337

comment by: *KLM*

**Relevant Text:**

- (a) The operator is responsible for the operation of aircraft in accordance with Annex IV of the Basic Regulation, Part-OPS, the applicable subparts of this Regulation and its declaration or certificate

...

- (d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phase of flight other than those required for safe operation of the aircraft.

**Comment/Proposal:**

Point (a) is superfluous and could be replaced with a generic paragraph highlighting the need for the operator to comply with the applicable legislation. Suggest to add the definition of "Declaration" within OR.OPS.010.GEN in order to highlight that it is only related to non commercial operations of complex motor powered aircraft.

Critical phases of flight should be defined in OR.OPS.010.GEN (or in a common definition part) as defined in OPS.GEN.010 §15. The definitions paragraph states that the definition are only for the purpose of the subpart, then not applicable for other subparts.

comment

2470

comment by: *M Wilson-NetJets***Original text:**

(d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phases of flight other than those required for the safe operation of the aircraft.

**Suggested new text:**

(d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phases of flight **contradictory to or could detract from the safe operation of the aircraft.**

**Comment/suggestion:**

During critical phases of flight the crew also performs actions for the efficiency of the flight. The current text does not allow for these actions to be taken.

comment

2496

comment by: *British Airways Flight Operations***Relevant Text:**

(b) The operator shall establish and maintain a system for exercising operational control and supervision over any flight operated under the terms of its declaration or certificate.

**CoComment:**

This definition is not in line with EU-OPS.1.195 (Operational Control) which does not refer to supervision to reflect the different concept used in EU compared with North America.

**Proposal:**

Delete 'supervision' in order to realign this definition with EU-OPS.

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2509

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(b) The operator shall establish and maintain a system for exercising operational control and supervision over any flight operated under the terms of its declaration or certificate.

**Comment:**

This definition is no in line with EU-OPS.1.195 (Operational Control) which does not refer to supervision to reflect the different concept used in EU compared to North-America.

**Proposal:**

Delete 'supervision' in order to realign this definition with EU-OPS.

comment

2510

comment by: *Deutsche Lufthansa AG***Relevant Text:**

- (a) The operator is responsible for the operation of aircraft in accordance with Annex IV of the Basic Regulation, Part-OPS, the applicable subparts of this Regulation and its declaration or certificate

...

- (d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phase of flight other than those required for safe operation of the aircraft.

**Comment/Proposal:**

Point (a) is superfluous and could be replaced with a generic paragraph highlighting the need for the operator to comply with the applicable legislation. Suggest to add the definition of "Declaration" within OR.OPS.010.GEN in order to highlight that it is only related to non commercial operations of complex motor powered aircraft.

Critical phases of flight should be defined in OR.OPS.010.GEN (or in a common definition part) as defined in OPS.GEN.010 §15. The definitions paragraph states that the definition are only for the purpose of the subpart, then not applicable for other subparts.

comment

2869

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(b) The operator shall establish and maintain a system for exercising operational control and supervision over any flight operated under the terms of its declaration or certificate.

**Comment:**

This definition is no in line with EU-OPS.1.195 (Operational Control) which does not refer to supervision to reflect the different concept used in EU compared to North-America.

**Proposal:**

Delete 'supervision' in order to realign this definition with EU-OPS.

comment

2870

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

- (a) The operator is responsible for the operation of aircraft in accordance with Annex IV of the Basic Regulation, Part-OPS, the applicable subparts of this Regulation and its declaration or certificate

...

- (d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phase of flight other than those required for safe operation of the aircraft.

**Comment/Proposal:**

Point (a) is superfluous and could be replaced with a generic paragraph highlighting the need for the operator to comply with the applicable legislation. Suggest to add the definition of "Declaration" within OR.OPS.010.GEN in order

to highlight that it is only related to non commercial operations of complex motor powered aircraft.  
Critical phases of flight should be defined in OR.OPS.010.GEN (or in a common definition part) as defined in OPS.GEN.010 §15. The definitions paragraph states that the definition are only for the purpose of the subpart, then not applicable for other subparts.

comment

3199

comment by: *Ryanair*

(f) Operators may subcontract activities. The wording of this paragraph implies that operators are responsible for training subcontractors. This is unacceptable and must be removed.

"The operator shall training its crew members and *its* personnel involved in the handling of *its* aircraft to recognise...."

comment

3566

comment by: *Finnish CAA*

Paragraph No: OR.OPS.100.GEN (f)

Comment: The text refers to one of the several elements of required dangerous goods training. Also, it refers only to personnel involved "in the handling of aircraft". There are a number of categories of staff (e.g. passenger check in staff, cargo warehouse staff) who work remotely from aircraft but require training. It is also queried why the text "crew members" is needed since these would also be "personnel". Additionally, it is quite common for operators to contract training out to a third party and the text should reflect this.

Justification: Part 1 Chapter 4 of the Technical Instructions details the training requirements for all categories of staff.

Proposed Text (if applicable):

(f) The operator shall ~~train~~ ensure its crew members and personnel involved in the handling of aircraft to recognise dangerous goods that may be carried inadvertently are trained as required by the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air.

comment

3672

comment by: *AIR FRANCE*

Relevant Text:

(b) The operator shall establish and maintain a system for exercising operational control and supervision over any flight operated under the terms of its declaration or certificate.

Comment:

This definition is no in line with EU-OPS.1.195 (Operational Control) which does not refer to supervision to reflect the different concept used in EU compared to North-America.

Proposal:

Delete 'supervision' in order to realign this definition with EU-OPS.

comment

3673

comment by: *AIR FRANCE*

## Relevant Text:

- (a) The operator is responsible for the operation of aircraft in accordance with Annex IV of the Basic Regulation, Part-OPS, the applicable subparts of this Regulation and its declaration or certificate...
- (d) The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phase of flight other than those required for safe operation of the aircraft.

## Comment/Proposal:

Suggest to add the definition of "Declaration" within OR.OPS.010.GEN in order to highlight that it is only related to non commercial operations of complex motor powered aircraft.

Critical phases of flight should be defined in OR.OPS.010.GEN (or in a common definition part) as defined in OPS.GEN.010 §15. The definitions paragraph states that the definition are only for the purpose of the subpart, then not applicable for other subparts.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section I - OR.OPS.105.GEN  
Aircraft used in commercial and non-commercial operations**

p. 5

comment

1541

comment by: *Pietro Barbagallo ENAC*

Comment: This paragraph should have a relevant AMC or GM to clarify how the endorsement for NCOM operation should be implemented.

Justification: Requirement not covered by existing JAR

comment

2475

comment by: *M Wilson-NetJets***Original text:**

OR.OPS.105.GEN Aircraft used in commercial and noncommercial operations  
When an aircraft is operated in commercial and noncommercial operations, the commercial operations specifications shall contain an endorsement for noncommercial operations and the operations manual shall contain a supplement with the operating procedures to be followed in the case of noncommercial operations.

**Suggested new text:**

OR.OPS.105.GEN Aircraft used in commercial and noncommercial operations  
When an aircraft is operated in commercial and noncommercial operations, the commercial operations specifications shall contain an endorsement for noncommercial operations and **in struction shall eit her be contained in a supplement to the OM or be integr ated into the chapters and paragraphs of the commerci al ope rations part of the O M clearly indicating that these proc edures are onl y applicabl e for n on-commercial operation.**

**Comment/suggestion:**

For operations that interchange often between commercial and non-commercial operations it is not as ergonomically for the users of the OM to

have a additional supplement. Therefore, the opportunity should exist for operators to integrate non-commercial instructions and procedures into the structure of the OM whilst clearly indicating that those specific instructions are only applicable to non-commercial operations.

comment 2846

comment by: *Civil Aviation Authority of Norway*

An endorsement in the OM for non-commercial operations should be approved by the competent Authority.

The reason for this is that a commercial operator also conducting non-commercial operations needs to specify to what extent the approved operational control and supervision system will apply in case of non-commercial operations, and to what proportion the operational procedures, competence requirements and management responsibilities shall continue to apply.

comment 3735

comment by: *Christian Hölzle*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

### **C. III. Draft Opinion Part-OR - Subpart OPS - Section II - OR.OPS.015.MLR Operations Manual**

p. 5

comment 137

comment by: *EHO*

#### Paragraph (a)

This text is rather heavy, a more concise version might be:

"The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties."

#### Paragraphs (g) and (h)

Approval of the OM is an extremely onerous task for the Authority; acceptance of the manual is the usual method employed by NAAs.

That this is the norm can be seen by examination of ICAO Annex 6 Part 1 Attachment F. Paragraph 2.1.2 describes those elements that are subject to Approval - i.e. those items that are included on the Operations Specification. Paragraph 2.1.3 of this document more accurately describes the process used by most states when reviewing and accepting the Operations Manual and its amendments.

This view is also confirmed by a reading and understanding of ICAO DOC 8335; nowhere is requirement for Approval specified - it always uses the term "...where required acceptance or approval". A reading of this ICAO document tends to indicate that acceptance is related to the Operations Manual and approval directed towards those elements which form part of the Special Authorisations of the Operations Specification. This supports the stance taken by EASA on minor/major revisions in Subparagraph (h) which appears to

confirm that those items not contained on the list in paragraph 2 of AMC OR.OPS.015.MLR(h) may be addressed by an acceptance rather than an Approval.

The view expressed above is supported by the previous text in EU-OPS 1.1040(i):

"An operator shall supply the Authority with intended amendments and revisions in advance of the effective date. When the amendment concerns any part of the Operations Manual which must be approved in accordance with OPS, this approval shall be obtained before the amendment becomes effective. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that any approval required has been applied for."

The underlined text makes clear that elements of the operations manual are dealt with in different ways depending on the subject; where it concerns an approved element, it must be subject to the approval process.

The stance on minor/major changes is supported as it removes the overly burdensome task (both for the operator and the regulator) of submitting all editorial changes for approval. It might be that, on further consideration of the (potentially) extensive contents of an operations manual, EASA might be persuaded that a more focused approach (on the important elements) will provide a more effective product.

comment 341 comment by: *Association of Dutch Aviation Technicians NVLT*  
pls. specify the phrase 'all personnel', does this include also maintenance personnel, which are also mentioned in this NPA?

comment 348 comment by: *CAA-NL*  
*Comment regarding:*  
EU OPS 1.1040 (c) mentions operations manuals language requirements  
Proposal CAA-NL:  
Add:  
Use of the English language must be encouraged.  
Reason:  
EU allows the use of local languages however when cross-border operations are conducted and/or the operator has non-native personnel, the use of the English language must be encouraged.  
*Comment regarding:*  
(e) The OM shall be kept up to date. All personnel shall be made aware of the changes that are relevant to their duties.  
Proposal CAA-NL:  
Add:

Text must read "each copyholder"

Reason:

EU OPS 1.1040 (h) mentions: that each holder of a OM or parts thereof shall keep the OM up to date with amendments and revisions supplied by the operator.

EASA text can be read as only applicable to the operator or crew (AMC1 (4)).

comment 356 comment by: *Reto Ruesch*

OR Ops 015 MLR  
Operations Manual

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 496 comment by: *Stefan Huber*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 519 comment by: *Air Zermatt*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 553 comment by: *Air-Glacières (pf)*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 607 comment by: *AEA*

**Relevant Text:**

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM

**Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the

Competent Authority oversight without specific approval.

In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

**Proposal:**

It is proposed to replace the (g) by the following :

*"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "*

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

*(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"*

comment

649

comment by: AUSTRIAN Airlines

**Relevant Text:**

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM.

**Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EU-OPS e.g. to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval.

**Proposal:**

It is proposed to replace the (g) by the following :

*"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority*

*(h)*

Referring to the above comment; this paragraph should then be modified as there would be no more indirect approval and replaced by the following wording :

*"Parts of the OM which are subject to the Competent Authority approval, shall be submitted,*

**Refer to: EU OPS 1.1040:**

(i) An operator shall supply the Authority with intended amendments and revisions in advance of the effective date. When the amendment concerns any part of the Operations Manual which must be approved in accordance with OPS, this approval shall be obtained before the amendment becomes effective. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that any approval required has been applied for.

comment 711 comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.

Justification: see LBA - General Comment, reasons 1 and 2.

In addition, OR.OPS.015MLR subparagraph (g) requires that for air operator certificate holders the OM and also its amendments shall be approved by the competent authority. EU-OPS 1.1040(b) in its current version requires an approval only of certain parts of the OM otherwise it shall be acceptable to the Authority. OR.OPS.015MLR subparagraph (g) creates additional approval work to be managed by the NAAs but no benefit in safety.

comment 782 comment by: *claire.amos*

**(e)** Have access to would be preferential to supply a personal copy (as stated elsewhere)

comment 783 comment by: *Heli Gotthard AG Erstfeld*

OR Ops 015 MLR  
Operations Manual

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 803 comment by: *SHA (AS)*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 821 comment by: *Berner Oberländer Helikopter AG BOHAG*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 923 comment by: *Heliswiss AG, Belp*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

- comment 956 comment by: *Heliswiss*  
 This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.
- comment 978 comment by: *Heliswiss NV*  
 This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.
- comment 1002 comment by: *Dirk Hatebur*  
 This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.
- comment 1177 comment by: *Ingo Pucks*  
 (a) The operator shall... and training programmes and syllabi. The OM shall especially highlight and describe means and methods for crew of aircraft in flight to communicate with, request support and resources available for in-flight assistance.  
 Taking into account the necessity of experienced, and trained flight dispatchers and flt ops personnel, it is suggested to include icensing requirements and recurrent training schedules here.
- comment 1238 comment by: *UK CAA*  
**Page No:** 5  
**Paragraph No:**  
 OR.OPS.015.MLR(a)  
**Comment:** The text tries to define too much information and thereby becomes complicated and unclear.  
**Justification:** A clearer statement for the need for procedures and associated information is needed.  
**Proposed Text (if applicable):**  
 An operator shall ensure that the Operations Manual contains all instructions and information necessary for operations personnel to perform their duties.
- comment 1306 comment by: *Catherine Nussbaumer*  
 This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.
- comment 1323 comment by: *Royal Aeronautical Society*

The proposed subparagraph (g) prescribes that, 'For air operator certificate holders, the Operations Manual (OM) and its amendments shall be approved by the competent authority'. Currently, EU-OPS does not require the entire contents of an OM to be 'approved' – only 'accepted' - with specific elements such as the aircraft flight manual, specific operations, etc having to be 'approved'. Use of the term 'approved' implies that the competent authority has sufficient understanding of the proposed operation to be able to agree that the text is – *exactly as drafted* – suitable in all respects for the operations intended to be undertaken by each particular applicant. Whereas this should be feasible for such examples as are given above, it is unlikely to be the case for all other matters written into the OM. There is a risk that if the entire contents of the OM have to be 'approved', there will be confusion as to where responsibility for safe aircraft operations will lie – with the applicant/operator (as specified in Part – AR, VII, Subpart GEN, Section III, GM 1 AR.GEN.300 Continuing Oversight – OPS), or with the competent authority, or shared between the two. Either of the last two options could result in inadequate monitoring and the untimely initiation of necessary remedial action when problems arise. Furthermore, swift action where needed to amend procedures and instructions is unlikely to be forthcoming if proposals desired by the operator must first be subjected to scrutiny by the competent authority before they can be implemented – and this could result in long delays.

The proposed subparagraph (h) states, in effect, that whilst the entire contents of an OM must be *approved*, in fact this need not be the case in all circumstances (provided that a procedure specified in the OM to manage such amendments is followed). This contrary instruction could create difficulties for all parties concerned and lead to further confusion as to who is actually managing operational safety through the medium of the OM.

The procedure for managing Operations Manuals currently prescribed in EU-OPS (OPS 1.1040) works efficiently and should be retained. **It is suggested that the proposed subparagraphs (g) and (h) should be replaced as follows:**

**(g) For air operator certificate holders, the Operations Manual (OM) and its amendments shall be accepted by the competent authority.**

**(h) An operator shall supply the competent authority with intended amendments and revisions in advance of the effective date. When the amendment concerns any part of the OM which must be approved in accordance with the implementing rules, this approval shall be obtained before the amendment becomes effective. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that any approval has been applied for.**

Note that this amendment will, if accepted, require a small change to Part-AR, page 25, AMC 2 AR.GEN.330 Changes – OPS thus: **The changes mentioned in AMC to OR.OPS.015.MLR (h) should be notified to the competent authority for acceptance or for approval, as appropriate, before being implemented.**

comment

1326

comment by: Jan Brühlmann

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information

necessary for operations personnel to perform their duties.

comment 1348 comment by: *Walter Mayer, Heliswiss*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 1373 comment by: *Pietro Barbagallo ENAC*

Comment: OR.OPS.015.MLR (g) It will not be easy for competent authority to keep up with the amendments high frequency.

Justification: Parts of the Operations Manual are often supplemented or substituted by Aircraft Operating Manuals produced by the TCH or Airway Manuals produced by other organisations. These kind of documents are frequently amended.

Comment: OR.OPS.015.MLR (g) The risk is to give an "empty" approval to certain parts of the Operations Manual (e.g. OM-B, OM-C)

Justification: Parts of the Operations Manual are based on material produced by the TCH. Outside the type certification process, it is not easy to get from the TCH any rationale that enable the Competent Authority to seriously evaluate that material.

Comment: OR.OPS.015.MLR (h) It is not clear the meaning of this kind of approval

Justification: This regulatory system just substituted the term Acceptance with the term Approval but in this case it seem that the essence has not been changed. The result is an unclear situation. Proposed Text: For air operator certificate holders, the OM and its amendments shall be approved by the competent authority directly or indirectly through an approved procedure in the operations manual (GB) (ref. M.A. 704)

Comment: OR.OPS.015.MLR (h) This may lead to a no standardised situation among Member State.

Justification: The terms of this procedure are set in the Operations Manual and so at the operator level.

comment 1464 comment by: *CAA-NL*

Attachment [#1](#)

Comment CAA-NL:

Comment regarding OR.OPs.015.MLR (h)

The CAA-NL proposes to EASA to use the JAR A and A list.  
The JAR list is attached.

comment 1484 comment by: *TAP Portugal*

**Relevant Text:**

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM

**Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval.

In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

**Proposal:**

It is proposed to replace the (g) by the following :

*"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "*

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

*(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"*

comment

1544

comment by: *Pascal DREER*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment

1574

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**page 5 OR.OPS.015.MLR(c)**

**Comment:**

**Delete this paragraph.**

Although the wording is copied from JAR-OPS 1.1040(j), the "bindingness" of the IR is different. The operator is responsible for compliance with the regulations, not the competent authority. The inspector, or competent authority, can only flag non-compliances, but has no authority to demand other wording. This is only opening the door for authority interpretation resulting in a non-level playing field

**page 5 OR.OPS.015.MLR (g)(h)**

**page 67 AMC OR.OPS.015.MLR (g) and (h) 1, 2**

**Delete** "minor amendments procedure" entirely.

Matters subject to approval are dealt with, and documented, during the certification process. Requiring the competent authority and its inspectors to approve the OM is counter productive to safety as it will delay the OM and its amendments. Also, it is not in line with the concept of the certificate holder being responsible for compliance.

**Amend** "For air operator certificate holders, the OM and its amendments shall be approved by the competent authority." to "For air operator certificate holders, those parts of the OM and its amendments with are considered major changes, hence subject to prior approval i.a.w. AMC OR.OPS.015.MLR(h)2. shall be approved by the competent authority."

comment

1789

comment by: *Austro Control GmbH*

(h)

The "indirect approval" procedure detailed in OR.OPS.015 (h) is unnecessarily limited in scope. Current draft text is in conflict with the recommendation in AMC 3 AR.GEN.305 (3). As any procedure in an OM is subject to initial authority's approval, and will be subject to regular audit, if a company can demonstrate that it is capable of maintaining a high standard of quality, with a strong internal independent checking function, then there is no reason to limit the scope of indirect approval. See EC 2042 M.A.302 (b), EC1703 21A.163 (b) & 21A.263 for other examples of EASA indirect approval legislation.

Recommendation: See the recommendations OR.OPS.020MLR

comment

1892

comment by: *Walter Gessky*

### **OPS.015.MLR Operations Manual**

(g) For Air operator certificate holders, the OM and its amendments shall be approved by the competent authority **after application**.

Justification:

National rules require an application before the start to act and to charge for the activities. If a certificatory document shall be approved without an application legal uncertainty exists.

comment

2040

comment by: *AUSTRIAN Airlines*

### **Relevant Text:**

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM

### **Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval.

In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

**Proposal:**

It is proposed to replace the (g) by the following :

*"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "*

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

*(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"*

comment 2208 comment by: *Christophe Baumann*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 2230 comment by: *Benedikt SCHLEGEL*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 2235 comment by: *HDM Luftrettung gGmbH*

OP OPS 015 MLR:

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 2281 comment by: *Helikopter Air Transport GmbH / Christophorus  
Flugrettungsverein*

Should state: (a) A Minimum Equipment List (MEL) shall be established by the operator for each aircraft, based on but not less restrictive than the Master Minimum Equipment List (MMEL) for the type approved by the Agency in accordance with Part 21.

comment 2338 comment by: *KLM*

**Relevant Text:**

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM

**Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval.

In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

**Proposal:**

It is proposed to replace the (g) by the following :

*"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "*

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

*(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"*

comment

2498

comment by: *British Airways Flight Operations***Relevant Text:**

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM

**Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator-specific additions to the OM which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (owing to the fact that the OM is fully approved).

We therefore propose that the text should be aligned with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval.

In this context, we would like to point out that operations manuals and the maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual; whereas, instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical.

**Proposal:**

Replace (g) by the following :

*"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent*

*Authority.* "

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

(h) "*Parts of the OM which are subject to the Competent Authority approval, shall be submitted,*"

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment 2511

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM

**Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval.

In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

**Proposal:**

It is proposed to replace the (g) by the following :

"(g) *The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority.* "

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

(h) "*Parts of the OM which are subject to the Competent Authority approval, shall be submitted,*"

comment 2535

comment by: *TNT Airways*

**Comments:**

It is not practical to have the OM fully approved. Only areas where a specific approval is required need the associated procedures approved (e.g. RVSM, ETOPS, ...)

**Proposal:**

(g) The OM and its amendments shall be accepted, or, where applicable,

approved by the Authority. Where the amendment requires competent authority approval, the competent authority when satisfied, should indicate its approval in writing not later than 30 days after the submission of the amendment. Where the amendment does not require an approval, the competent authority should acknowledge receipt in writing.

(h) Notwithstanding paragraph (g), minor amendments to the OM not affecting the terms of the certificate, may be accepted through a procedure specified in the OM.

comment

2706

comment by: *Philipp Peterhans*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment

2790

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM

**Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval.

In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

**Proposal:**

It is proposed to replace the (g) by the following :

"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"

comment	<p>2826 <span style="float: right;">comment by: <i>Ph. Walker</i></span></p> <p>This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.</p>
comment	<p>2847 <span style="float: right;">comment by: <i>Civil Aviation Authority of Norway</i></span></p> <p>Comment to (c); This requirement seems to be superfluous, as amendments and revisions to the OM is the responsibility of the operator, and all revisions or amendments are subject to an assesement by the competent Authority.</p>
comment	<p>2871 <span style="float: right;">comment by: <i>Swiss International Airlines / Bruno Pfister</i></span></p> <p><b>Relevant Text:</b> (g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority (h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM</p> <p><b>Comment:</b> The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved). We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval. In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.</p> <p><b>Proposal:</b> It is proposed to replace the (g) by the following : <i>"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "</i> Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording : <i>(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"</i></p>
comment	<p>3049 <span style="float: right;">comment by: <i>ERA</i></span></p> <p><a href="#"><u><b>European Regions Airline Association Comment</b></u></a></p> <p>Reference: paragraph '(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority.' and '(h)</p>

Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM.'

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

The ERA Directorate therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval. In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

Therefore, replace the paragraph (g) by the following :

"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"

comment

3115

comment by: DGAC

Amend (g) as follows :

**"the parts of** the OM **affecting the terms of the certificate as well as their** and its amendments **and revisions** shall be approved"

**Justification :**

The elaboration of the OM should stay under the Operator's responsibility. Besides, the approval of all the details of the OM and its changes can be an unjustified burden with no additional safety benefit. Attention should be focused on important parts which affect directly the terms of the certificate.

comment

3206

comment by: Ryanair

Paragraph (g)

Clarification of "competent authority" required as follows:

*The competent authority designated by the Member State where the operator has its principle place of business*

comment	3215	comment by: UK CAA
<p><b>Page No:</b> 5</p> <p><b>Paragraph No:</b> OR.OPS.015.MLR (g)</p> <p><b>Comment:</b> The reference to “air operator certificate holders” assumes only one kind of certificate covering all kinds of commercial operations</p> <p><b>Justification:</b> The UK CAA considers that one kind of “operator certificate” is not appropriate due to the specific international requirements/obligations regarding an “Air Operator Certificate”. The UK proposes that two kinds of certificate be provided for commercial operations, one for CAT and one for commercial operations other than CAT (see also comment 595 to NPA 2008-22).</p> <p><b>Proposed Text (if applicable):</b> (g) for certificate holders, the OM... etc”</p>		
comment	3227	comment by: Irish Aviation Authority
<p>Comment: Paragraph (g) - For AOC holders, the OM and its amendments shall be approved by the competent Authority</p> <p>Justification: There is no mention of “acceptance”</p> <p>Proposed text: For AOC holders, the OM and its amendments shall be approved / accepted by the competent Authority.</p>		
comment	3238	comment by: Hans MESSERLI
<p>This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.</p>		
comment	3352	comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)
<p><b>Paragraph text:</b> (f) The content of the OM shall be presented in a form which can be used without difficulty and that observes human factors principles.</p> <p><b>Comment:</b> The EU-OPS 1.1040 (c) about the use of the English language in the CAT Operations Manual is not transposed to the NPA. The CAT Operations Manual should be in English language in order to ease the use of crew with different language origins between Member States.</p> <p><b>Proposal (including <i>new text</i>):</b> (f) The content of the OM shall be presented in a form which can be used without difficulty and that observes human factors principles. <b><i>Unless otherwise approved by the Authority, or prescribed by national law, an</i></b></p>		

***operator shall prepare the Operations Manual in the English language. In addition, an operator may translate and use that manual, or parts thereof, into another language.***

comment 3465

comment by: *Trans Héli (pf)*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 3514

comment by: *Great Circle Services AG*

This comment addresses issues related to the Operations Manual (OR.OPS.015.MLR).

The comment was discussed during the EASA/EBAA Workshop July 9, 2009 in Cologne. The workshop participants, both from EASA and EBAA received the comments favourably.

Operations Manual: Comment to NPA 2009-02c

This comment addresses issues related to the Operations Manual (OR.OPS.015.MLR). The comment was discussed during the EASA/EBAA Workshop July 9, 2009 in Cologne. The workshop participants, both from EASA and EBAA received the comments favourably.

1. Positive changes in NPA 2009-02 compared to EU-OPS:

- OR.OPS.015.MLR(h): The operator now is permitted to implement minor amendments to the Operations Manual in accordance with a specified amendment procedure. This is positive and avoids minor amendments to be submitted on a case by case basis to the Authority.
- GM to OR.GEN.200(a)(6) and AMC1 OR.OPS.015.MLR: The principle of not duplicating information in several manuals is positive. However, if information is not to be duplicated, access to the location of the information needs to be granted. This implies the need for a publication system, which allows navigation across various manuals. The Operations Manual (OM) may be an integral part of the Organisation Manual required in OR.GEN.200(a)(6).
- Structure of OR.OPS: Based on the explanations of Eric Sivel during the EASA/EBAA workshop in Cologne July 9, 2009, it became clear that the structure and chapter system is intended to support the use of data bases. This is a good starting point to integrate the regulations into an automated compliance management by operators.
- AMC1 OR.OPS.015.MLR(6): It is positive that no additional permission as in EU-OPS 1.1040(m) for the publication in other than printed paper is required.
- AMC2 OR.OPS.015.MLR(1) and (4): It is positive that parts of the OM can be substituted by applicable parts of the AFM, or, where such documents exist, by an AOM produced by the manufacturer of aircraft. Referencing from the OM into other material is especially for smaller operators a good solution to avoid lengthy, costly and error-prone copy-paste solutions.

2. Positive changes in NPA 2009-02:

- Terminology and abbreviations: Both the Operations Manual and the Organisation Manual tend to be abbreviated as OM. Suggestion to replace the term "Organisation Manual" by "Management Manual".
- Integration with IOSA standards not reflected: OR.GEN and OR.OPS require the establishment of manuals. Since many operators follow also IOSA

standards, it would be a simplification if the interaction and commonality of the manuals required by both systems would be reflected in an EASA AMC/GM.

- AMC5 OR.OPS.015.MLR A 5.5: The title in A 5.5 should be harmonised with D 2.4. Suggestion to delete the words "other than flight crew" in the brackets.
- AMC5 OR.OPS.015.MLR: No change to EU-OPS 1.1045 and its Appendix 1 to OPS 1.1045. This AMC5 proposes a Table of Contents of Operations Manual. The design and the content of this Table of Contents of an Operations Manual was (under EUOPS) and is (under Part-OPS) not user-friendly and leads to confusion. It mixes various headings of an OM with instructions on information which needs to be inserted. Experience shows that an OM based on App.1 to OPS 1.1045 does not allow to present the information in an organic way by following the work flow. The main headings do not create problems, but the substructure within the various sections of each Part needs to be aligned with the actual process flow. The proposed AMC5 is confusing, as it was in App. 1 to EU-OPS 1.1045: The table suggests to be a Table of Contents, while it is in fact a list of items to be covered mixed with instructions on information to be provided. This sub-structure of this table creates a double bind and does not provide a user-friendly layout for a manual structure, since the order/sequence of items to be covered does not correspond human factors. The main chapter structure though is acceptable. Thus the function of AMC5 OR.OPS.015.MLR is not clear: Authorities will use the table of contents as a strict guideline for the structure and content of an Operations Manual. We propose to allow a second option, Option 2.

Making use of modern technology requires format options for Operations Manual

OR.OPS.015.MLR

AMC5 OR.OPS.015.MLR

Replace the Point/AMC/GM on Structure and Content of an Operations Manual by a Point indicating the elements which need to be covered in an OM, with the main chapter titles only.

Do not include into the IRs a binding detailed format of the OM.

Recommend to include in NPA 2009-02 OR.OPS.015.MLR Operations Manual a provision for more than one option in the AMC/GM for the structure of the OM.

Provide as an alternative, at least two options for the provision of documentation for the acceptable means of compliance. Both options must be ICAO Annex 6 compliant.

Option 1: OM format as proposed in the current NPA (AMC5 OR.OPS.015.MLR Operations Manual). Option 1 limits modern economical data processing methods.

Option 2: OM in electronic documentation capable format

Option 2 not only complies with Annex 6, but also with current ATA requirements. Option 2 would assure compliance to a wide number of aviation standards (regulatory and industry), promising considerable synergy gains.

Options 2 would serve the certification requirements for EFBs, for continued airworthiness etc. and enable a cross-functional multi-media approach to provision of information for users, approvers, developers in manufacturing, certification/supervision, operations and training.

Data-integrity and data-security can only be achieved by using the latest standards in communication/information technology.

Within the main titles of the OM-Structure, a more efficient substructure will enhance the ability of any stakeholder to maximise the efficiency of the manual production process. This will reduce costs for the maintenance and exchange/distribution of OM-data/information.

Option 2 enhances the ability to take into account human factors and to make the documentation more user-friendly. User-friendliness needs to be further studied and defined taking into consideration results from human factors studies and other appropriate scientific tools.

The OM has interfaces to other documentation, which are integrated by using Option 2 (e.g. OM-CAME, OM-(stand-alone)MEL, OM-Security Manual). The complete operator documentation set would benefit greatly from adopting the same (semi-)automated approach.

For EASA and the NAAs there would be minimal differences to the documentation submitted to support an Air Operators compliance as the changes are mainly in the production system.

What would occur is a faster updating of information for new applications and quicker approval of existing operator data.

In light of the current business climate an option for Air Operators to be compliant while using a methodology that offers cost savings and efficiency improvements can only be a great benefit.

As a result of EASA introducing Option 2 into AMC5 OR.OPS.015.MLR (or wherever appropriate in this context), operators would have a much more responsive ability to deliver essential safety information to any stakeholder requiring it. Option 2 also makes easier the electronic communication for the notification of changes to users. Supervision by the operator over OM changes will also be simplified and demand less resources.

The approach recommended with Option 2 is already in force and used extensively for the Initial and Continuing Instructions for Continued Airworthiness and is regarded as industry best practice by Original Equipment Manufacturers and widely used across the airworthiness/manufacturing community, including for the establishment of Flight Manuals and Maintenance Manuals. Operations joining forces with the maintenance community would enhance the interoperability of data and reduce data conflicts and the likelihood of misunderstandings and errors.

Option 2 allows a better use of very expensive information. We know that the maintenance/manufacturing community estimates the cost for one page of technical documentation to be between EUR 500 and EUR 1000 a page. Option 2 allows for easy access to this very valuable information and reduces the life cycle cost for maintaining the documents up-to-date and compliant.

#### **Advantages of Option 2:**

The major advantages would be:

- improved safety,
- possibility to use the advantages of the data base friendly structure of NPA 2009-02 to create (semi-)automated software tools for the establishment and management of manuals
- substantially lower costs for both the industry and certifying/supervising

authorities,

- faster updating of essential information and
- lower resource demand and faster deployment of compliance information for users and approval authorities.

Additional advantages of Option 2 would be:

- a more responsive compliance system,
- compliance with an international recognized standard for aviation documentation,
- full integrations with air vehicle and equipment manufacturers' data production methods,
- information in formats (xml, sgml, pdf, others) for electronic flight bag/e-book readers,
- deployment of current, accurate information to the user at point of use (flight operations, departure planning, training (including recurrent training) and maintenance)
- additional opportunities for air operators to better maintain and sustain a viable business and
- reduced logistics for carrying the required documents on flights.

Disadvantages/Tasks of Option 2:

The single most important step to overcome is for EASA and the approving air operators authority to accept a slightly different format for the proof of compliance documentation.

These variations would be minor but essential. This needs to be implemented in the new regulations.

Contact: michael.grueninger@gcs-safety.com

comment

3531

comment by: *KLM Cityhopper*

**Comment:**

The total approval of the OM is not in line with EU-OPS. There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval. In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

**Proposal:** It is proposed to replace the (g) by the following :

*"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority."*

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

*(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"*

comment 3570 comment by: *Heliswiss International*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 3675 comment by: *AIR FRANCE*

Relevant Text:

(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority

(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM

Comment:

The total approval of the OM is not in line with EU-OPS. The OM may include operator specific additions, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

This total approval may also lead the Competen Authority to be reluctant to delegate approvals as proposed and therefore may lead to a tremendous increase of the workload of the Authority and the operators.

We therefore propose to realign with EU-OPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should remain under the Competent Authority oversight without specific approval.

In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual cannot be compared with the maintenance manual.

Proposal:

It is proposed to replace the (g) by the following :

"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted for approval before being published,"

comment 3762 comment by: *Swiss Helicopter Group*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 3765 comment by: *ECA - European Cockpit Association*

Comment on paragraph (f): add as follows:

(f) The content of the OM shall be presented in a form which can be used

without difficulty and that observes human factors principles. **An operator must ensure that crew members are able to understand the language in which the relevant operations manual are written.**

Justification:

This is more in line with JAR-OPS 1.025. It shifts the responsibility for a common language to the operator instead of the individual crew member.

comment 3777 comment by: *IACA International Air Carrier Association*

(c)

Delete. Although the wording is copied from JAR-OPS1.1040(j) , the "bindingness" of the IR is different. The operator is responsible for compliance with the regulations, not the competent authority. The inspector, or competent authority, can only flag non-compliances, but has no authority to demand other wording. This is only opening the door for authority interpretation resulting in a non-level playing field.

comment 3778 comment by: *IACA International Air Carrier Association*

(g) and (h)

Delete "minor amendments procedure" entirely.

Matters subject to approval are dealt with, and documented, during the certification process. Requiring the competent authority and its inspectors to approve the OM is counter productive to safety as it will delay the OM and its amendments. Also, it is not in line with the concept of the certificate holder being responsible for compliance.

Amend "For air operator certificate holders, the OM and its amendments shall be approved by the competent authority." to "For air operator certificate holders, those parts of the OM and its amendments with are considered major changes, hence subject to prior approval i.a.w. AMC OR.OPS.015.MLR(h)2. shall be approved by the competent authority."

comment 3852 comment by: *Elitcino SA*

This text is rather heavy, a more concise version might be: The operator shall ensure that the operations manual contains all instructions and information necessary for operations personnel to perform their duties.

comment 3950 comment by: *ANE (Air Nostrum) OPS QM*

Reference: paragraph '(g) For air operator certificate holders, the OM and its amendments shall be approved by the competent authority.' and '(h) Notwithstanding paragraph (g) minor amendments to the OM not affecting the terms of the certificate, may be approved through a procedure specified in the OM.'

The total approval of the OM is not in line with EU-OPS.

There should not be a requirement for Authority approval of those operator specific additions to the OM, which have a non-regulatory character. Such a requirement could lead to the Competent Authority refusing such additions (due to the fact that the OM is fully approved).

We therefore propose to realign with EUOPS e.g. not to make the whole OM approved but only parts related to subjects described in AMC OR.OPS.015.MLR(h). The rest of the OM should only remain under the Competent Authority oversight without specific approval. In this context, we would like to point out that operations manuals and maintenance manual cannot be compared. Operations manuals are much broader in scope since job cards for maintenance staff are not part of the maintenance manual whereas instructions for operations staff are part of the operations manual. Therefore total approval of the operations manual would be impractical like authority approval of all job cards for maintenance staff would be impractical.

Therefore, replace the paragraph (g) by the following :

"(g) The OM and its amendments shall be provided in advance of the effective date to the Competent Authority unless otherwise agreed with the Competent Authority. "

Referring to the above comment; paragraph (h) should then be modified as there would be no more indirect approval and replaced by the following wording :

(h) "Parts of the OM which are subject to the Competent Authority approval, shall be submitted,"

**C. III. Draft Opinion Part-OR - Subpart OPS - Section II - OR.OPS.020.MLR  
Minimum Equipment List (MEL)**

p. 5-6

comment

138

comment by: *EHOC*

Paragraph (a)

The previous text was more informative because it contained the phrase "no less restrictive than"; without this phrase an MEL could be provided which is based upon the MMEL by less restrictive. A suggest text is:

"(a) The Minimum Equipment List (MEL) shall be established by the operator for each aircraft, based on but no less restrictive than, the Master Minimum Equipment List (MMEL) for the type approved by the Agency in accordance with Part-21."

comment

158

comment by: *Association of Dutch Aviation Technicians NVLT*

OR.OPS.020.MLR Minimum Equipment List (MEL)

It is not clearly stated if a electronic format of the Minimum Equipment List is allowed on board, and if it is allowed how should the interested parties as Flight crew and certifying staff who will use the MEL act if for example those electronic MEL is not working due power failure?

comment

159

comment by: *Association of Dutch Aviation Technicians NVLT*

OR.OPS.020.MLR

*(g) The operator shall publish the operational and maintenance procedures associated with the MEL as part of the operations manual or the MEL.*

(1) a preamble, including guidance and definitions for flight crews and certifying staff using the MEL;

Explanation: maintenance personnel could be anybody in a 145-organisation, certifying staff is personnel has the knowledge and is responsible for the release of an aircraft after maintenance and there fore to our opinion has to carry out the MEL maintenance procedures;

Before a technical complaint will be deferred according the MEL, to our opinion the source of the failure must be known, this statement should be in the MEL and proper trouble shoot procedures should be established for the persons involved.

It must be clearly stated in the MEL what are the maintenance procedures by some particular dispatch items and that those maintenance procedures should only be performed by certifying staff according the proper procedures of the manufacturer.

Explanation: the definition of maintenance is clearly stated in REGULATION (EC) No 2042/2003, therefore all MEL related maintenance procedures should be accomplished by certifying staff and should be carried out by means of a certificate of release to service CRS.

comment 161 comment by: ECA - European Cockpit Association

Comment on OR.OPS.020.MLR(f)(4): change as follows:

(f) Subject to the approval of the competent authority, an operator may use a procedure for the extension of the categories B, C and D rectification intervals, provided that:

- (1) the extension of the rectification interval is within the scope of the MMEL for the aircraft type;
- (2) the extension of the rectification interval granted is, as a maximum, of the same duration as the rectification interval specified in the MEL;
- (3) a description of specific duties and responsibilities for controlling extensions is established by the operator and approved by the competent authority;
- (4) the competent authority is notified of any extension of the applicable rectification interval **and i n any cas e t he competent au thority must approve this extension**; and
- (5) a plan to accomplish the rectification at the earliest opportunity is established.

Justification: Authority must approve any extension notified by the operator.

comment 214 comment by: ECA - European Cockpit Association

Comment on OR.OPS.020.MLR (a) + (b) : Delete OR.OPS.020.MLR (a) + (b)

Justification:

Duplication of requirement from ER 8.a.3 (i)-(iii), ER are more restrictive, this sufficient to comply with EU OPS 1.035 (a).

comment 229 comment by: ECA - European Cockpit Association

Comment on OR.OPS.020.MLR(f):  
Clarification required: add reference to CS.MMEL. Clear mention to relevant part for these definitions shall be specified.

comment 329 comment by: *Association of Dutch Aviation Technicians NVLT*

Please specify which maintenance personnel is allowed to use the MEL and is allowed to dispatch the Aircraft.  
To our opinion referring to maintenance personnel, only certifying staff B1 and B2 is allowed to use the MEL and is allowed to dispatch the Aircraft.

comment 330 comment by: *Association of Dutch Aviation Technicians NVLT*

Please specify who is allowed to carry out the maintenance procedures mentioned in the MEL

To our opinion only qualified mechanics or certifying staff is allowed to perform the MEL related maintenance procedures, however these procedures should be certified in the Aircraft Technical Log by certifying staff B1 or B2.

comment 436 comment by: *CAA-NL*

The CAA-NL has the following comments and questions:

a

What about types not approved by the Agency. And is Part 21 the replacement of Jar 26?

(e)(2)

Normally this is done by the part M and/or 145 organization based on availability of part trouble shooting and maintenance scheduling of the aircraft. The Agency should clarify this in a AMC or GM

f

What does the Agency mean 'within the scope of the MMEL'. E.g. a statement must be written down in the preamble of the MMEL that it is aloud to do so. Please clarify this in an AMC or GM

comment 518 comment by: *AUSTRIAN Airlines*

EU OPS 1.003 and EU OPS 1.030 describe the process on the establishment of a MEL. Note that in EU OPS the operator prepares the MEL "in accordance with a procedure approved by the authority", which then must be "accepted by the Authority".

In Austria, the following procedure was implemented to fulfil this EU OPS requirement: The first issue of a MEL has to be approved by the authority; any subsequent amendment must not be less restrictive than the MMEL and needs only be notified to the authority.

The draft of OR.OPS.020.MLR Minimum Equipment List (MEL) requires that all amendments shall be approved by the competent authority. This is an unnecessary administrative burden on authority and operator without safety benefit.

- For effective oversight, a simple notification by the operator to the authority within the timeframe of 90 days that a MEL was amended is sufficient.
- With the first issue the operator has demonstrated his capability to deal with the MEL topic. Oversight of further amendments, e.g. which only bring the MEL in line with the Master MEL, should be dealt with through the internal quality system of the operator. As it happens, during the Annual Airworthiness Review, the MEL is already subject to scrutiny.
- It cannot be the intention of the regulator to tie the authority down with unnecessary paperwork. If the intention of the regulator is to impose more stringent MEL requirements on an operator due to his scope of operation, and thereby truly enhancing safety, this should be dealt with through audits and occurrence management, not by approving every single piece of paper.

comment 577

comment by: *AECA helicopters.*

(a) change Part 21 by Part M

comment 609

comment by: *AEA***Relevant Text:**

(f)(1) the extension of the rectification interval is within the scope of the MMEL for the aircraft type

**Comment:**

There is a need for EASA to introduce a mandatory catch-up for some MMELs to ensure that a statement is added in the preamble of the MMEL

**Proposal:**

Introduce mandatory catch-up for MMEL to add a statement on the RIE

comment 689

comment by: *Dassault Aviation*

Technical comment.

Page 5 OR.OPS.020.MLR §(g)(1): this § says that the Operator shall take the MMEL (M) and (O) procedures into account when preparing the MEL. We would like EASA to confirm that this wording does not preclude Operators from developing customized (M) and (O) procedures. A Guidance Material could be developed saying "The MEL may contain additional advisory materials or customised operational and maintenance procedures as long as the purpose of the MMEL's operational and maintenance procedures used as reference, as well as the general maintenance and safety precautions, are fulfilled." The Guidance Material could be inserted as GM OR.OPS.020.MLR(g)(1).

comment 1145

comment by: *Austro Control GmbH*

It requested to make a general amendment to this paragraph:

There is still no legal basis for an "indirect MEL approval" (MEL approval by operator with relevant permission) process (unless indirectly implied through OR.OPS.015 (h)). It is essential for proper functioning of authorities that there be a way to step back from this low level detail work, to be able to concentrate on the safety management tasks of identifying the high risk operations, and addressing them.

It is not the purpose of safety management for the authority to be down in the

trenches doing a detailed document review of every document that a good, conscientious operator is producing. It is more important to let them get on with their work and, through audits and occurrence management etc, to identify the problem of organisations/high risk operations and address them. Current draft text is in conflict with the intent of AMC 3 AR.GEN.305 (3).

It has to be emphasised that to approve amendments is an administrative burden for the authorities. Only the operators amendment system shall be approved and checked during the oversight.

Recommendation:

Two additions to OR.OPS.020.MLR:

1/ Add a requirement for the MEL to be established on the basis of an approved procedure (As previously in JAA-MMEL/MEL.050 (a). Without the requirement for the operator to have a controlled process, the MEL system is not auditable.

2/ Add clear regulation of indirect approval process. "Indirect approval" of the MEL should be possible, based on an expansion to the procedure in 1/ above, with the scope approved by the Authority. See EC 2042/2003 M.A.302 (b), EC 1702/2003 21A.163 (b) & 21A.263 for other examples of EASA indirect approval legislation.

comment

1239

comment by: UK CAA

**Page No:** 5

**Paragraph No:**

OR.OPS.020.MLR(a)

**Comment:** The text is unclear. There is an inference that the operator has to obtain EASA's approval to operate each type.

**Justification:** Clarify that the MEL is based upon the approved MMEL.

**Proposed Text (if applicable):**

"...,based on the approved Master Minimum Equipment List in accordance with Part-21."

comment

1485

comment by: TAP Portugal

**Relevant Text:**

(f)(1) the extension of the rectification interval is within the scope of the MMEL for the aircraft type

**Comment:**

There is a need for EASA to introduce a mandatory catch-up for some MMELs to ensure that a statement is added in the preamble of the MMEL

**Proposal:**

Introduce mandatory catch-up for MMEL to add a statement on the RIE

comment

1542

comment by: Pietro Barbagallo ENAC

Comment: Item 4: Examples of "significant" change for operational and maintenance procedures should be specified.

Justification:leaving the term significant without some clear examples may generate an unclear situation. This comment take into account that operational

and maintenance procedures are normally amended more frequently than a MMEL item.

comment

1596

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**Comment/Proposal:**

The use of the MEL should be a separate subpart. **Justification:** This section contains material that goes well beyond the scope of Manuals, Logs and Records, as it is about application of the MEL: e.g. "effective rectification programme" has nothing to do with a manual, but everything with maintenance management.

comment

1828

comment by: *Southern Cross International*

For operators only performing contracted ferry flights or test flights for MRO providers, and given the extremely short period of time for which those aircraft are operated, maintaining individual operator MELs for each type/model/variant of aircraft that could potentially be flown is not practicable. Therefore use of an Agency approved MMEL issued and certified by the manufacturer should be considered as an acceptable means of compliance with an equivalent level of safety. Where there is a conflict between the MMEL and an Airworthiness Directive or any other Mandatory Requirement, it is the data or information contained in the Airworthiness Directive or the Mandatory Requirement (e.g. Continued Airworthiness requirement) which shall override.

comment

1843

comment by: *Boeing*

**NPA 2009-02c, Part OR (Subpart OPS)**

*OR.OPS.020, MLR Minimum Equipment List (MEL)*

*Para (a)*

*Page 5 of 136*

**BOEING COMMENT:**

Paragraph (a) states: "A Minimum Equipment List (MEL) shall be established by the operator for each aircraft, based on the Master Minimum Equipment List (MMEL) for the type approved by the Agency in accordance with Part 21."

We maintain that MMEL approval is not necessarily only done by the Agency. Currently the authority to approve can reside with National authorities.

Regardless, however, we suggest that this discussion be removed from this NPA.

**JUSTIFICATION:** Requirements for MMEL approval are already established in EASA NPA 2009-01, Operational Suitability Certificate (OSC). There is no need to duplicate them in this NPA.

comment

1893

comment by: *Walter Gessky*

**OR.OPS.020.MLR Minimum Equipment List (MEL)**

(b) The MEL and any amendment shall be approved by the competent authority **after application**.

Justification: National rules require an application before the start to act and to

charge for the activities. If a certificatory document shall be approved without an application legal uncertainty exists.

Add a new (h):

**In case of an indirect approval of amendments to the MEL based on amendments to the MMEL when no new kind of operation is added or the aircraft configuration standards is not changed, the competent authority shall ensure that it has an adequate control over the approval of all MEL amendments. The operator's exposition shall include adequate procedures approved by the competent authority for the indirect approval.**

Justification:

Authority approval of all MEL amendments might be a bureaucratic overkill for the authorities. Indirect approval similar to these published in JAR MMEL/MEL 050(a) shall be added.

Amendments based on approved MMEL amendments shall be candidate for the indirect approval when no new kind of operation is affected and the aircraft configuration standard was not changed.

comment

2041

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(f)(1) the extension of the rectification interval is within the scope of the MMEL for the aircraft type

**Comment:**

There is a need for EASA to introduce a mandatory catch-up for some MMELs to ensure that a statement is added in the preamble of the MMEL

**Proposal:**

Introduce mandatory catch-up for MMEL to add a statement on the RIE

comment

2231

comment by: *Benedikt SCHLEGEL*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment

2233

comment by: *IAOPA Europe*

For non-commercial operations the MEL should not be required to be approved by the Authority.

Just like the OPS manual is not subject to approval for non-commercial operators the same should be the case for the MEL. This is the basic principle for non-commercial operations.

The associated AMCs should also contain provisions for non-commercial operations. All current AMCs seems targeted at commercial operations.

comment

2283

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

(b) The MEL and any amendment shall be approved by the competent authority, **minor amendments to the MEL based on Revisions of the MMEL, may be approved through a procedure specified in the OM and/or CAME.**

comment 2339

comment by: *KLM*

**Relevant Text:**

(f)(1) the extension of the rectification interval is within the scope of the MMEL for the aircraft type

**Comment:**

There is a need for EASA to introduce a mandatory catch-up for some MMELs to ensure that a statement is added in the preamble of the MMEL

**Proposal:**

Introduce mandatory catch-up for MMEL to add a statement on the RIE

comment 2489

comment by: *Airbus*

**OR.OPS.020.MLR(c):**

The language in this paragraph suggests that operational and maintenance procedures are required to be in the MEL. This is not needed, and not acceptable. It is enough that these procedures are referenced in the MEL with the indication of their location. GM OR.OPS.020.MLR(g), paragraph 5, rightly suggests that (O) and (M) procedures may be located in other documents. The rule needs to clearly reflect this possibility.

comment 2490

comment by: *M Wilson-NetJets*

**Original text:**

(g) The operator shall publish the operational and maintenance procedures associated with the MEL as part of the operations manual or the MEL. The operator shall:

- (1) take the MMEL operational and maintenance procedures into account when preparing the MEL;
- (2) plan and accomplish operational procedures prior to operating and/or during the operation with the listed item inoperative; and
- (3) accomplish maintenance procedures prior to operating with the listed item inoperative.

**Suggested new text:**

(g) The operator shall publish the operational and maintenance procedures associated with the MEL as part of the operations manual or the MEL. The operator shall:

- (1) take the MMEL operational and maintenance procedures into account when preparing the MEL;
- (2) plan and accomplish operational procedures prior to operating and/or during the operation with the listed item inoperative; and
- (3) accomplish maintenance procedures prior to operating with the listed item inoperative;

**(4) The operator may specify for certain simple maintenance procedures associated with the MEL to be accomplished by the flight crew if these maintenance procedures are approved by the competent authority and the flight crew are appropriately trained to perform the**

**maintenance procedure.****Comment/suggestion:**

On-demand and unscheduled operators do not have maintenance assistance at each destination they operate to. To enhance the operability the flight crew could perform minor maintenance items associated with an MEL procedure (e.g. tagging a circuit breaker). They must be appropriately trained.

comment 2491

comment by: *Airbus***OR.OPS.020.MLR(e):**

In paragraph (3), the expression "dispatch the operation of the aircraft" should be replaced by either "dispatch the aircraft" or "operate the aircraft".

comment 2512

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(f)(1) the extension of the rectification interval is within the scope of the MMEL for the aircraft type

**Comment:**

There is a need for EASA to introduce a mandatory catch-up for some MMELs to ensure that a statement is added in the preamble of the MMEL

**Proposal:**

Introduce mandatory catch-up for MMEL to add a statement on the RIE

comment 2548

comment by: *Airbus***OR.OPS.020.MLR(f):**

1) We assume that the term "competent authority" refers to the definition given in the proposed OR.GEN.001 (NPA 2008-22c) or OPS.GEN.001 (NPA 2009-02b). These two definitions are different in wording, if not in substance, and should be enveloped/harmonised.

2) Paragraph (f) refers to rectification interval categories which are not defined in the rule, but only in CS-MMEL. For consistency of the texts, if the categories are listed in the implementing rule, they should also be defined in the implementing rule. Otherwise, they should not be listed in the rule.

3) We suggest rewriting the introductory sentence of (f) as follows:  
An operator may extend the categories B, C and D rectification intervals, under a procedure approved by the competent authority, provided that (...)

4) Subparagraph (f)(3) is redundant with the introductory sentence of (f), and can be deleted. It is sufficient to say in the rule that the procedure has to be approved by the competent authority, and to describe the elements for approval in AMC1 OR.OPS.020.MLR(f).

5) In subparagraph (f)(1), "within the scope of the MMEL" should be clarified. We assume it is meant to reflect the intent of OPS 1.030(b): no operation outside the constraints of the MMEL.

6) Subparagraph (f)(2) limits the extension of the interval to the same duration as the MEL rectification interval (in other words, the extended interval

can not be more than 2 times the original interval?). Is this additional limitation necessary as long as the operation is within the constraints of the MMEL?

comment

2559

comment by: *TNT Airways***Comment:**

(f)(1) : this requirement goes above the requirement detailed in JAR MMEL/MEL .081

All the MMEL are not updated with a preamble taking into account RIE as the specimen for preamble of MMEL and MEL were different in the JAR MMEL/MEL leaving the RIE independent from the MMEL. However this was subject to Authority approval.

**Proposal:**

Either delete (f)(1) and leave it independent from the MMEL but subject to a procedure approved by the Authority

Or Ensure that the preamble of all MMEL will be taking in consideration the RIE opportunity either by a procedure defined in the preamble of the MMEL or at least by a statement on RIE that does not allow them. The later will make it clear to everybody that this point has been considered by the manufacturer.

comment

2666

comment by: *Airbus***OR.OPS.020.MLR(g):**

1) In the introductory sentence of (g), the term "publish", in its dictionary meaning (make available to the public) is inappropriate, since the procedures are for the operator's own use.

2) It is unacceptable to limit the possible repositories for the procedures to the operations manual or the MEL only. A more open wording has to be used, consistent with paragraph 5 of GM OR.OPS.020.MLR(g).

3) In subparagraph (g)(1), "MMEL operational and maintenance procedures" should be replaced by "operational and maintenance procedures referenced in the MMEL".

**Proposed wording:**

(g) The operator shall ~~publish~~ *establish* the operational and maintenance procedures associated with the MEL as part of ~~the operations manual or~~ the MEL *or other Operator's manuals*. The operator shall:

(1) take the ~~MMEL~~ operational and maintenance procedures *referenced in the MMEL* into account when preparing the MEL;

(2) and (3): *no change*

comment

2872

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(f)(1) the extension of the rectification interval is within the scope of the MMEL for the aircraft type

**Comment:**

There is a need for EASA to introduce a mandatory catch-up for some MMELs

to ensure that a statement is added in the preamble of the MMEL

**Proposal:**

Introduce mandatory catch-up for MMEL to add a statement on the RIE

comment

3053

comment by: ERA

**European Regions Airline Association Comment**

There is a need for EASA to introduce a mandatory catch-up for some MMELs to ensure that a statement is added in the preamble of the MMEL

Therefore introduce mandatory catch-up for MMEL to add a statement on the RIE.

comment

3116

comment by: DGAC

**Amend (a) as follows :**

"A Minimum Equipment List (MEL) shall be established by the operator for each aircraft, based on the Master Minimum Equipment List (MMEL) for the type approved by the Agency in accordance with Part21, **if a available, and shall not be less restrictive than the MMEL;**

**Justification :** Consistency with 8.a.3.iii of the Essential requirements of Annex IV of R216/2008. If it is intended to repeat the provision of the ER in OR.OPS.020.MLR, it shall be repeated entirely.

comment

3117

comment by: DGAC

**(b) :**

**Proposal :**

In the case of non certified operations, the MEL should not be approved. The Declaration already includes a statement by the operator that the Ops Manual reflects the applicable requirements set out in Part OR and Part OPS. As the MEL is part of the OPS Manual, this statement applies to the MEL as well. An additional statement could be added in the Declaration saying that "the MEL has been developed based on the MMEL, etc..."

**Justification :**

The MEL is supposed to be approved prior to any operation. In the case of declaration, no prior authorization is required before operations begin (once acknowledgment of receipt has been received). How can the authority approve a MEL without any detailed knowledge of the type of operation foreseen?

comment

3532

comment by: KLM Cityhopper

There is a need for EASA to introduce a mandatory catch-up for some MMELs to ensure that a statement is added in the preamble of the MMEL

**Proposal:**

Introduce mandatory catch-up for MMEL to add a statement on the RIE.

comment

3781

comment by: IACA International Air Carrier Association

The use of the MEL should be a separate subpart. Justification: This section contains material that goes well beyond the scope of Manuals, Logs and

Records, as it is about application of the MEL: e.g. "effective rectification programme" has nothing to do with a manual, but everything with maintenance management.

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Operational flight plan - commercial air transport**

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comment

139

comment by: EHOc

General

This is an operational instruction and should be contained in OPS.CAT.

(However, check ICAO Annex 6 Part II Chapter 3.11 which appears to imply that an operational flight plan is also needed for complex aircraft - regardless)

comment

334

comment by: REGA

Helicopters often land outside of aerodromes (e.g. HEMS operation): "operating site" shall be added.

HEMS missions are characterized by rapid changes in destinations and routes. To require submissions of flight plans for HEMS missions is not adequate.

HEMS-Flights should be treated the same way as the description in article b. The Helicopter (complex or non-complex) returns to his point of departure (HEMS-base).

HEMS operation monitored by an operational control center shall be allowed to operate without submitting flight plans, if not required by the applicable air space requirement. They are monitored (day and night) by the operational control center, e.g. Geographic Information System (GIS) and/or radio contact. An exemption shall be added to OR.OPS.025.MLR:

**Proposal**

*An operational flight plan (...) operating limitations and relevant expected conditions on the route to be followed and at the aerodromes/operating site concerned, except for operations with:*

*(...)*

*(e) helicopters in HEMS operation by day and night over routes navigated by reference to visual landmarks within a local area specified in the operations manual, when monitored by the operational control center.*

comment

437

comment by: CAA-NL

Comment CAa-NL:

The Agency should clarify the mean of 'local area

comment

591

comment by: Luftfahrt-Bundesamt

If our comment to OR.OPS.005.GEN is accepted, please delete the words "sailplanes and" in paragraph (c).

If our comment to OR.OPS.005.GEN is not accepted, we like to comment as follows:

Sailplanes are exempted from the requirement to complete an operational

flight plan. Regarding other sectors, e.g. Type Certification, EASA does not distinguish sailplanes and powered sailplanes. For clarification, we propose to add "powered sailplanes" under OR.OPS.025 (c) to read:  
 "(c) sailplanes, powered sailplanes and balloons."

comment 1178 comment by: *Ingo Pucks*

An operational flight plan shall...based on considerations of..., crew qualifications and available in-flight support services provided by the operators operational control department.  
 It shall include procedures for in-flight assistance, communications and connectivity to ground based resources, whether personnel or systems contributing to flight safety.

comment 2284 comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

Add: (d) complex motorpowered helicopters engaged in HEMS operations conducted within a local area specified in the operations manual

comment 2285 comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

Should state: .....by day flights **and day and night flight for HEMS operation** over routes navigated by reference to visual landmarks.

comment 2325 comment by: *Bristow Helicopters*

To confirm that is is compatible with Electronic Flight Bag or other electronic in flight aircrew data capture system. What standards will be required for EFB use in helicopters?

comment 2686 comment by: *Tim Glasspool*

To confirm that is is compatible with Electronic Flight Bag or other electronic in flight aircrew data capture system. What standards will be required for EFB use in helicopters?

comment 2759 comment by: *Department for Transport UK*

The reference in the final line to the type of flights concerned is inconsistent with the equivalent text in OR.OPS.030.MLR. The text should be aligned.

Proposed text: "....by day flights and over routes navigated....."

comment 2849 comment by: *Civil Aviation Authority of Norway*

The phrase "*by day flights over routes navigated by reference to visual landmarks*" is vague, and does not take into consideration that VFR flights may be complex due to long distances and/or durations, and may include flying in hostile areas. Such complex CAT VFR flights should be subject to an operational flight plan.

- comment 3583 comment by: *Heliswiss International*  
 Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.
- comment 3736 comment by: *Christian Hölzle*  
 Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)
- comment 4020 comment by: *Axel Schwarz*  
 Reformat to include the last line "by day flights over routes ..." into the first sentence, or re-formulate to produce a meaningful sentence.
- comment 4091 comment by: *Asociación Española de Pilotos de Aerostación (AEPA)*  
 OR OPS 025 MLR: Although the procedure is accurate typing CAT is not adequate. It would be better GEN

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 Information retained on the ground - commercial air transport**

p. 6

- comment 140 comment by: *EHOc*  
General  
 This is an operational instruction and should be contained in OPS.CAT.
- Paragraph (a) - alleviation  
 Within the two original appendices (3.005(f) and (g)) there are alleviations for three types of operation:
- Non-complex operations (VFR day, 9 or less with restriction on some specific operations) with:
- a. non-complex aircraft (1);
  - b. local non-complex operations with:
    - i. non-complex aircraft (2); or
    - ii. complex aircraft (3).
- Because the individual elements have been taken out of the context of the appendices, the prohibitions are no longer present (ensuring that alleviations are only permitted to actual non-complex operations), and the purity of the applicability has been lost. Whilst the insertion of the alleviation within rules is

accepted (and endorsed), because there has been no attempt to provide a descriptive term for each of the three elements above, some alleviations have been missed and other alleviations have been distorted (either too conservative or too liberal).

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with non-complex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with non-complex aircraft and local operations with complex aircraft)

The definition of 'non-complex operations' could be VFR day with an aircraft with a MPSC of 9 or less (with the specific exclusions contained in the appendices); 'local' could be (non-complex) operations within a limited and defined area (which would have an AMC attached) which start and end at the same location within the same day.

The definition and substitution of these terms within the text would permit simplified rules and resolution of the errors of omission and commission seen in the draft.

comment

216

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.030.MLR: NIL

The change has been noted, but it is accepted.

comment

357

comment by: *Reto Ruesch*

OR Ops 030 MLR

Information retained on the ground commercial air transport

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment

438

comment by: *CAA-NL*

Comment CAA-NL:

The Agency should stick to complex motor powered helicopters only for (a) and (b)

comment

478

comment by: *Heli Gotthard*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with

complex aircraft

comment 497 comment by: *Stefan Huber*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 520 comment by: *Air Zermatt*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 554 comment by: *Air-Glaciars (pf)*

Ops 30 MLR : Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 592 comment by: *Luftfahrt-Bundesamt*

If our comment to OR.OPS.005.GEN is accepted, please delete the words "sailplanes and" in paragraph (c).  
If our comment to OR.OPS.005.GEN is not accepted, we like to comment as follows:  
Sailplanes are exempted from the requirement to retain information on the ground. Regarding other sectors, e.g. Type Certification, EASA does not distinguish sailplanes and powered sailplanes. For clarification, we propose to add "powered sailplanes" under OR.OPS.030(c) to read:  
"(c) sailplanes, powered sailplanes and balloons."

comment 784 comment by: *Heli Gotthard AG Erstfeld*

OR Ops 030 MLR  
Information retained on the ground commercial air transport  
Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would

result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 804

comment by: *SHA (AS)*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 822

comment by: *Berner Oberländer Helikopter AG BOHAG*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 924

comment by: *Heliswiss AG, Belp*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 957

comment by: *Heliswiss*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 980

comment by: *Heliswiss NV*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 1004

comment by: *Dirk Hatebur*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 1179

comment by: *Ingo Pucks*

Information relevant to the flight, as compiled and made available to the flight crew before and during the flight...shall be preserved...

comment 1307

comment by: *Catherine Nussbaumer*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 1327

comment by: *Jan Brühlmann*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 1349

comment by: *Walter Mayer, Heliswiss*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex

operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 1545

comment by: *Pascal DREER*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 1568

comment by: *REGA*

HEMS-Flights should be treated the same way as the description in article b. The Helicopter (complex or non-complex) returns to his point of departure (HEMS-base).

HEMS missions are characterized by rapid changes in destinations and routes. To require submissions of flight plans for HEMS missions is not proportional. Hems missions are monitored (day and night) by the operational control center, e.g. Geographic Information System (GIS) and radio contact.

**Proposal**

*(..) for the type of operation shall be preserved on the ground for the duration of each flight or series of flights, except for operations with:*

*(...)*

*d) helicopters in HEMS operation by day and night over routes navigated by reference to visual landmarks within a local area, specified in the operations manual, when monitored by the operational control center.*

comment 2209

comment by: *Christophe Baumann*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 2236

comment by: *HDM Luftrettung gGmbH*

OR OPS 030 MLR:

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local

operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 2707

comment by: *Philipp Peterhans*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 2827

comment by: *Ph. Walker*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 3239

comment by: *Hans MESSERLI*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 3466

comment by: *Trans Héli (pf)*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 3571

comment by: *Heliswiss International*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-

complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 3598

comment by: *ADAC Luftrettung GmbH*

HEMS-Flüge (Primäremsätze) sind nicht planbar. Nach Alarmierung muss der Hubschrauber innerhalb von 2 Minuten gestartet sein. In dieser kurzen Zeit ist es nicht mehr möglich die geforderten Informationen zu hinterlegen. Der Hubschrauber wird jedoch von der zuständigen Rettungsleitstelle (Dispatch Center) geführt und überwacht (Rescue Track).

Aus diesem Grund schlagen wir vor, unter OR.OPS.030.MLR (d) HEMS mit aufzuführen.

comment 3763

comment by: *Swiss Helicopter Group*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 3854

comment by: *Eliticino SA*

Perhaps this situation could be retrieved by providing three definitions: (a) A to A operations; (b) non-complex operations; (c) local operations, from this would result: (1) non-complex operations with noncomplex aircraft (2) local non-complex operations with non-complex aircraft; and (3) local non-complex operations with complex aircraft. (This could be further shortened if 'local operations' was defined as a restricted subdivision of 'non-complex operations' - i.e. local operations with noncomplex aircraft and local operations with complex aircraft)

comment 4092

comment by: *Asociación Española de Pilotos de Aerostación (AEPA)*

OR OPS 030 MLR: Although the procedure is accurate typing CAT is not adequate. It would be better GEN

### **C. III. Draft Opinion Part-OR - Subpart OPS - Section II - OR.OPS.220.MLR Record-keeping**

p. 6-7

comment 141

comment by: *EHOC*

Paragraph (d)

Although this rule is repeated in several sections, that is not a reason for

transferring 'Training Records' to the MLR section from the training section. Whilst it is a record of training, it is an instruction to the operator about the recording and availability of these records rather than an instruction for the storage (which is contained in the immediate section above).

It should be returned to the FC (and other) section:

"OR.OPS.065.FC Training records

The operator shall:

(a) Maintain records of all training, checking and qualification prescribed in this Section undertaken by a flight crew member; and

(b) Make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned."

comment 217 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.220.MLR(b): add the following text:

**(7) Copies of the relevant part(s) of the aeroplane technical log**

Justification:

Requirement missing from EU OPS.1.140(b)(2)

comment 218 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.220.MLR: NIL.

The change has been noted, but it is accepted.

comment 439 comment by: *CAA-NL*

Comment CAA-NL:

There are different interpretations of the meaning of records. Does the Agency mean only the score of a test or the whole test. Please clarify.

comment 470 comment by: *CAA-NL*

Comment CAA-NL:

The text refers only to the requirement for the written information to the pilot-in-command to be retained for 3 months, no mention is made of either the Dangerous Goods Transport Document or the acceptance checklist.

**Justification:** Part 7;4.10 of the Technical Instructions requires the acceptance checklist, Dangerous Goods Transport Document and the written information to the pilot-in-command to be retained for a period of 3 months.

**Proposed Text (if applicable):**

"(5) Dangerous goods transport documents and acceptance checklists;"

- comment 543 comment by: *SCCA/ head of health and safety*  
24 month instead if 15 month so Fatigue risk management can use it for evaluation.
- comment 575 comment by: *AECA helicopters.*  
It should be returned to the FC section:  
"OR.OPS.065.FC Training records  
The operator shall:  
(a) Maintain records of all training, checking and qualification prescribed in this Section undertaken by a flight crew member; and  
(b) Make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned."
- comment 582 comment by: *International Air Transport Association*  
OR.OPS.220.MLR(b)(4)  
  
The text of this subparagraph only requires that the operator retain the written information to the pilot-in-command. The ICAO Technical Instructions, Part 7;4.10, also requires the retention of the dangerous goods transport document, or the information provided in electronic form, and the dangerous goods acceptance check list.  
  
Proposed revision to subparagraph (4) as follows:  
  
"(4) Dangerous goods transport documents, or the information applicable in electronic form, the acceptance checklist and the written information to the pilot-in-command;"
- comment 594 comment by: *Luftfahrt-Bundesamt*  
As no. (5) should be added:  
**„(5) Dangerous Goods Transport Documents and acceptance checksheets“** since those documents are not mentioned in the present enumeration.
- comment 610 comment by: *AEA*  
**Relevant Text:**  
(b) The following information used for the preparation and execution of a flight and reports shall be stored for 3 months if applicable for the operation:  
...  
(5) Journey log  
  
**Comment:**  
Some airlines may use computerized data rather than a journey log  
  
**Proposal:**  
Suggest to amend (5) to read as 'Journey log or equivalent data'
- comment 611 comment by: *AEA*

**Relevant Text:**

(c ) table row 6

Training Qualification records for other personnel, last two training records must be kept

**Comment:**

This does not cover the entry of new personnel

**Proposal:**

Amend the text to read as 'up to the last two training records'

comment

630

comment by: AEA

**Relevant Text:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records even if the operator ceases to be the operator of that aircraft or the employer of that personnel

**Comment:**

There is a need to clarify that the personnel files should only be kept for a limited amount of time in line with paragraph c)

**Proposal:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, in accordance with paragraph c) above even if the operator ceases to be the operator of that aircraft or the employer of the personnel

comment

674

comment by: Luftfahrt-Bundesamt

See general comment OR.OPS.005

comment

888

comment by: Federal Office of Civil Aviation (FOCA), Switzerland

**Concern Detail:**

The text refers only to the requirement for the written information to the pilot-in-command to be retained for 3 months, no mention is made of either the Dangerous Goods Transport Document or the acceptance checklist.

**Comment:**

Part 7;4.10 of the Technical Instructions requires the acceptance checklist, Dangerous Goods Transport Document and the written information to the pilot-in-command to be retained for a period of 3 months.

**Proposal:**

"(5) Dangerous goods transport documents and acceptance checklists;"  
(note – resulting in the consequential re-numbering of subsequent paragraphs).

comment

1138

comment by: Austro Control GmbH

(c)

change "3 years" to "4 years".

Justification:

Crew member training is constructed as 3 years cycle therefore it needs a storage of at least 4 years.

- comment 1180 comment by: Ingo Pucks
- (b) the following information used for preparation and execution of a flight...shall be stored in paper for 3 months, and additionally electronically (in PDF-format) for one year.  
Additionally records related to the flight shall be kept including information about automated messages relayed between the a/c and ground, and any in-flight assistance given by flight ops personnel during the flight.
- 
- comment 1243 comment by: UK CAA
- Page No:** 7
- Paragraph No:** OR.OPS.220.MLR (b)(4)
- Comment:** The text refers only to the requirement for the written information to the pilot-in-command to be retained for 3 months, no mention is made of either the Dangerous Goods Transport Document or the acceptance checklist.
- Justification:** Part 7; 4.10 of the Technical Instructions requires the acceptance checklist, Dangerous Goods Transport Document and the written information to the pilot-in-command to be retained for a period of 3 months.
- Proposed Text (if applicable):**  
"(5) Dangerous goods transport documents and acceptance checklists;"  
 (note – resulting in the consequential re-numbering of subsequent paragraphs)
- 
- comment 1244 comment by: UK CAA
- Page No:** 7
- Paragraph No:** OR.OPS.220.MLR - (d) (2)
- Comment:** Requires an operator to make records of Conversion and Recurrent training and checking available to the crew member. This is only applicable to flight crew training and not cabin crew.
- Justification:** Cabin crew no longer carry out Conversion training, it has been renamed as Operator Aircraft Type and Aircraft Type Specific training. No requirement for records of Initial training to be retained apart from the attestation, which does not show expiry dates.
- Proposed Text (i f applicable):** (d) (2) Make the records of all initial, aircraft type specific, operator's aircraft type, conversion courses and recurrent training and checking available, on request, to the crew member concerned.
- 
- comment 1405 comment by: Unionen/Sweden
- 24 month instead if 15 month so Fatigue risk management can use it for evaluation.
- 
- comment 1433 comment by: Pietro Barbagallo ENAC

Comment: The text refers only to the requirement for the written information to the pilot-in-command to be retained for 3 months, no mention is made of either the Dangerous Goods Transport Document or the acceptance checklist.

Justification: Part 7; 4.10 of the ICAO Technical Instructions requires the acceptance checklist, Dangerous Goods Transport Document and the written information to the pilot-in-command to be retained for a period of 3 months.

Proposed text: Amend OR.OPS.220.MLR adding the following text in point (5) and, consequently, re-numbering the previous text in point (5) and all subsequent paragraphs: "(5) Dangerous goods transport documents and acceptance checklists;"

comment 1446

comment by: *Pietro Barbagallo ENAC*

Comment: The text refers only to the requirement for the written information to the pilot-in-command to be retained for 3 months, no mention is made of either the Dangerous Goods Transport Document or the acceptance checklist.

Justification: Part 7;4.10 of the ICAO Technical Instructions requires the acceptance checklist, Dangerous Goods Transport Document and the written information to the pilot-in-command to be retained for a period of 3 months.

Proposal: Add a new point (5) to OR.OPS.220.MLR as follows: "(5) Dangerous goods transport documents and acceptance checklists;" (note this will result in the consequential re-numbering of the subsequent paragraphs)

comment 1486

comment by: *TAP Portugal*

**Relevant Text:**

(b) The following information used for the preparation and execution of a flight and reports shall be stored for 3 months if applicable for the operation:

...

(5) Journey log

**Comment:**

Some airlines may use computerized data rather than a journey log

**Proposal:**

Suggest to amend (5) to read as 'Journey log or equivalent data'

comment 1487

comment by: *TAP Portugal*

**Relevant Text:**

(c ) table row 6

Training Qualification records for other personnel, last two training records must be kept

**Comment:**

This does not cover the entry of new personnel

**Proposal:**

Amend the text to read as 'up to the last two training records'

comment 1488

comment by: *TAP Portugal*

**Relevant Text:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records even if the operator ceases to be the operator of that aircraft or the employer of that personnel

**Comment:**

There is a need to clarify that the personnel files should only be kept for a limited amount of time in line with paragraph c)

**Proposal:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, in accordance with paragraph c) above even if the operator ceases to be the operator of that aircraft or the employer of the personnel

comment

1684

comment by: *Thomas Cook Airlines***Justification:**

This does not appear to follow the definitions of sections of Cabin Crew training referred to in Implementing Rules. Requires clarification of what records an operator is required to keep.

**Proposal:**

An operator shall:

1. maintain records of all training and checking required by IR CC ORG
2. keep a copy of the attestation of initial safety training as required by IR CC.TRA
3. keep the training records up to date, showing the dates and contents of the CC ORG Operators type and recurrent training.
4. make the records of required training and checking available, on request, the cabin crew member concerned for as long as the records are required to be maintained by the operator under IR OR.OPS.220 MLR Record Keeping

comment

1835

comment by: *Elaine Allan Monarch*

Page No. 6

Ref No. NPA 2009 -02c OR OPS 220 MLR Page 6 of 136

Summary of EASA Proposed Requirement:

Reference is made to the storage of records detailed in OR GEN 200 for 5 years (separate document)

Comment:

Justification:

Proposed Text (if applicable)

comment

1883

comment by: *Southern Cross International*

OR.OPS.220.MLR (c)

It is unclear if training and checking records are to be kept when said training and checking was performed during employment for another operator and the crew member is hired for one specific test flight or ferry flight assignment.

OR.OPS.220.MLR (d)(1)

It is unclear if this only applies to training, checking and qualification undertaken during operations for operator (which may be specific test flight or ferry flight assignment), or for all operators where the crew member performs duties as a crew member.

comment

2042

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(b) The following information used for the preparation and execution of a flight and reports shall be stored for 3 months if applicable for the operation:

...

(5) Journey log

**Comment:**

Some airlines may use computerized data rather than a journey log

**Proposal:**

Suggest to amend (5) to read as 'Journey log or equivalent data'

comment

2043

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(c ) table row 6

Training Qualification records for other personnel, last two training records must be kept

**Comment:**

This does not cover the entry of new personnel

**Proposal:**

Amend the text to read as 'up to the last two training records'

comment

2044

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records even if the operator ceases to be the operator of that aircraft or the employer of that personnel

**Comment:**

There is a need to clarify that the personnel files should only be kept for a limited amount of time in line with paragraph c)

**Proposal:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, in accordance with paragraph c) above even if the operator ceases to be the operator of that aircraft or the employer of the personnel

comment

2195

comment by: *Elaine Allan Monarch*

Page No. 7

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**Summary of EASA Proposed Requirement:**

The Operator shall (2) make the records of all conversion courses and recurrent training and checking available, on request, to the crew member concerned.

**Comment:**

It does not state that records of Initial training be available.

Conversion training is now referred to as operator specific type training

**Justification:**

This does not appear to follow the definitions of sections of Cabin Crew training referred to in the Implementing Rules. Can clarification be given of what records an operator is required to keep.

**Proposed Text (if applicable)**

An operator shall:

Maintain records of all training and checking required by IR CC ORG.

Keep a copy of the attestation of initial safety training required by IR CC.TRA.

Keep training records current, showing the dates and contents of the CC ORG operators type and recurrent training.

Make the records of required training and checking available, on request, the cabin crew member concerned for as long as the records are required to be maintained by the operator under IR OR.OPS.220 MLR Record Keeping

comment

2340

comment by: *KLM***Relevant Text:**

(b) The following information used for the preparation and execution of a flight and reports shall be stored for 3 months if applicable for the operation:

...

(5) Journey log

**Comment:**

Some airlines may use computerized data rather than a journey log

**Proposal:** Suggest to amend (5) to read as 'Journey log or equivalent data'

comment

2341

comment by: *KLM***Relevant Text:**

(c ) table row 6

Training Qualification records for other personnel, last two training records must be kept

**Comment:**

This does not cover the entry of new personnel

**Proposal:**

Amend the text to read as 'up to the last two training records'

comment

2342

comment by: *KLM***Relevant Text:**

(e) The operator shall preserve the information used for the preparation and

execution of a flight and personnel training records even if the operator ceases to be the operator of that aircraft or the employer of that personnel

**Comment:**

There is a need to clarify that the personnel files should only be kept for a limited amount of time in line with paragraph c)

**Proposal:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, in accordance with paragraph c) above even if the operator ceases to be the operator of that aircraft or the employer of the personnel

comment

2360

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(c) Notwithstanding OR.GEN.200, personnel records shall be stored for the periods indicated below:

<b>Flight crew licence and cabin crew attestation</b>	<b>As long as the crew member is exercising the privileges of the licence or attestation for the aircraft operator</b>
<b><u>Crew member training and checking</u></b>	<b>3 years</b>
<b><u>Records on crewmember recent experience</u></b>	<b>15 months</b>
<b>Crew member route and aerodrome/ task and area competence, as appropriate</b>	<b>3 years</b>
<b><u>Dangerous Goods training, as appropriate</u></b>	<b>3 years</b>
<b>Training/ qualification records of other personnel for whom a training programme is required.</b>	<b><u>Last 2 training records</u></b>

**Comment:**

This table requires more definition, previously the record storage periods for Flight crew, cabin crew and other operations personnel were detailed separately and only training records applicable to the relevant category described. A definition or example for crew member recent experience is required. Is this applicable to both flight and cabin crew? Are the time periods detailed from the date of training?

**Proposed Text:**

<b>Flight crew licence and cabin crew attestation</b>	<b>As long as the crew member is exercising the privileges of the licence or attestation for the aircraft operator</b>
Flight crew/cabin crew recurrent/refresher training and checking	For 3 years from the date of training
Flight crew /cabin crew Dangerous Goods Training	For 3 years from date of training
Records on flight crew /cabin crew recent experience e.g.?????????	For 15 months from date of issue.

Flight crew route and aerodrome / task and area competence, as appropriate.	For 3 years
Training / qualification records of other personnel for whom an approved training programme is required by Ops	Last 2 training records??????

comment

2362

comment by: *Virgin Atlantic Airways***Relevant Text:**

d) The Operator shall make the records of all conversion courses and recurrent training and checking available, on request to the crew member concerned.

**Comment:**

There is no mention of initial training.

This includes reference to conversion training, however this is now termed operator specific type training.

**Proposed Text:**

The operator shall make the records of all Initial, recurrent and aircraft type specific training and checking available on request to the crewmember concerned.

comment

2513

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(b) The following information used for the preparation and execution of a flight and reports shall be stored for 3 months if applicable for the operation:

...

(5) Journey log

**Comment:**

Some airlines may use computerized data rather than a journey log

**Proposal:**

Suggest to amend (5) to read as 'Journey log or equivalent data'

comment

2514

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(c ) table row 6

Training Qualification records for other personnel, last two training records must be kept

**Comment:**

This does not cover the entry of new personnel

**Proposal:**

Amend the text to read as 'up to the last two training records'

comment

2516

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records even if the operator ceases to be the operator of that aircraft or the employer of that personnel

**Comment:**

There is a need to clarify that the personnel files should only be kept for a limited amount of time in line with paragraph c)

**Proposal:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, in accordance with paragraph c) above even if the operator ceases to be the operator of that aircraft or the employer of the personnel

comment

2792

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(c ) table row 6

Training Qualification records for other personnel, last two training records must be kept

**Comment:**

This does not cover the entry of new personnel

**Proposal:**

Amend the text to read as "last two training records, when issued,"

comment

2795

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records even if the operator ceases to be the operator of that aircraft or the employer of that personnel

**Comment:**

There is a need to clarify that the personnel files should only be kept for a limited amount of time in line with paragraph c)

**Proposal:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, in accordance with paragraph c) above even if the operator ceases to be the operator of that aircraft or the employer of the personnel

comment

2874

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(b) The following information used for the preparation and execution of a flight and reports shall be stored for 3 months if applicable for the operation:

...

(5) Journey log

**Comment:**

Some airlines may use computerized data rather than a journey log

**Proposal:**

Suggest to amend (5) to read as 'Journey log or equivalent data'

comment 2875 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(c ) table row 6

Training Qualification records for other personnel, last two training records must be kept

**Comment:**

This does not cover the entry of new personnel

**Proposal:**

Amend the text to read as 'up to the last two training records'

comment 2876 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records even if the operator ceases to be the operator of that aircraft or the employer of that personnel

**Comment:**

There is a need to clarify that the personnel files should only be kept for a limited amount of time in line with paragraph c)

**Proposal:**

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, in accordance with paragraph c) above even if the operator ceases to be the operator of that aircraft or the employer of the personnel

comment 3186 comment by: *Civil Aviation Authority Finland*

*Comment and proposal:*

OR.OPS.220.-MLR (c) the storage of records on crew member training and checking of 3 years is too short. It should be 5 years.

*Justification:*

Some training takes more than 3 years from the beginning of theory training before the pilot gains the flight experience for the licence/rating intended. The Authority shall have possibility to check the training given when doing an audit of the operator.

comment 3330 comment by: *Ryanair*

(e)

Comment

This section needs to be clarified as, presumably, the records need only be kept for the prescribed periods in (c) and not forever.

Proposal

(e) The operator..... even if the operator ceases to be the operator of that aircraft or the employer of that personnel for the periods specified in (c) above.

comment 3567 comment by: *Finnish CAA*

Paragraph No: OR.OPS.220.MLR

Comment: The text refers only to the requirement for the written information to the pilot-in-command to be retained for 3 months, no mention is made of either the Dangerous Goods Transport Document or the acceptance checklist.

Justification: Part 7;4.10 of the Technical Instructions requires the acceptance checklist, Dangerous Goods Transport Document and the written information to the pilot-in-command to be retained for a period of 3 months.

Proposed Text (if applicable):  
"(5) Dangerous goods transport documents and acceptance checklists;"

(note – resulting in the consequential re-numbering of subsequent paragraphs)

comment 3622 comment by: *TNT Airways*

**(e)**

**Comment:**  
 There should be a statement to clearly define the limit of time.

**Proposal:**  
 The operator shall preserve the information used for the preparation and execution of a flight and personnel training records in accordance with paragraph (b) and (c) above even if ....

comment 3676 comment by: *AIR FRANCE*

Relevant Text:  
 (b) The following information used for the preparation and execution of a flight and reports shall be stored for 3 months if applicable for the operation:  
 ...  
 (5) Journey log

Comment:  
 Some airlines may use data coming from various documents which provide the same informations than the ones requested for the journey log book. It is why, as allowed by EU OPS, equivalent data may be used instead a formal journey log book.

Proposal:  
 Suggest to amend (5) to read as 'Journey log or equivalent data'

comment 3677 comment by: *AIR FRANCE*

Relevant Text:  
 (c ) table row 6  
 Training Qualification records for other personnel, last two training records must be kept

Comment:  
 This does not cover the entry of new personnel

Proposal: Amend the text to read as 'up to the last two training records'

comment

3678

comment by: AIR FRANCE

Relevant Text:

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records even if the operator ceases to be the operator of that aircraft or the employer of that personnel

Comment:

There is a need to clarify that the personnel files should only be kept for a limited amount of time in line with paragraph c)

Proposal:

(e) The operator shall preserve the information used for the preparation and execution of a flight and personnel training records, ADD "in accordance with paragraph c) above" even if the operator ceases to be the operator of that aircraft or the employer of the personnel

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comment

3119

comment by: DGAC

R216/2008 states in recital (7) and in Article 8 the following :

"(7) [...] The Commission should be empowered to develop the necessary implementing rules for establishing the conditions for the issue of the certificate or the conditions for its replacement by a declaration of capability, taking into account the risks associated with the different types of operations, such as certain types of aerial work and local flights with small aircraft."

Article 8.2 :

"Unless otherwise determined in the implementing rules, operators engaged in commercial operations shall demonstrate their capability and means of discharging the responsibilities associated with their privileges."

However there is no provision in the Implementing Rules determining when the certification can be replaced by a declaration.

#### **Proposal :**

In *Section IV-Air operation certification*, add a chapter "**Specific requirements for commercial operations other than commercial air transport** » specify when the certificate can be replaced by a declaration of capability, as mentioned in recital (7) and article 8.2 of R216/2008.

In *Section III-Air operator declaration* **OR.OPS.040.DEC D eclaration**, take into account the fact that not only non-commercial operations of complex-motor powered are subject to declaration, but also some COM operations specified in section IV

### C. III. Draft Opinion Part-OR - Subpart OPS - Section III - OR.OPS.040.DEC Declaration

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comment

440

comment by: CAA-NL

Comment CAA-NL:

This will increase the workload of the authority without any safety benefit,

because it is only based on a paper check.

comment 631

comment by: AEA

**Relevant Text:**

(a) *Prior to commencing operations, the operator shall declare its capability and means to discharge responsibilities associated with non-commercial operation of complex motor-powered aircraft to the Competent Authority*

**Comment:**

We understand that this paragraph only applies to non-commercial operators of complex motor power aircraft but not to non-commercial operations conducted by commercial operators. We therefore suggest the editorial comment as below in order to avoid any misunderstanding

**Proposal:**

(a) *Prior to commencing **non-commercial** operations, the operator shall declare its capability and means to discharge the responsibility associated with the non-commercial operation of complex motor-powered aircraft to the Competent Authority*

comment 712

comment by: Luftfahrt-Bundesamt

The LBA does not agree to the introduction of a declaration due to the uncertain legal situation. The NAA responsibilities are not clear. Rule material should either clarify this role, supported by AMC material, or being removed, what we prefer.

Justification: see LBA - General Comment, reason 5

comment 1245

comment by: UK CAA

**Page No:** 7

**Paragraph No:** OR.OPS.040.DEC (a)

**Comment:**

OR.OPS.040.DEC (a) requires that prior to commencing operations, the operator must declare its capability to the competent authority. Sub-paragraph (b) provides that when managed by a third party on behalf of the owner, that party must declare its capability. But who is the operator under such an arrangement? If it is the third party who is managing the aircraft, then he needs to declare under sub-paragraph (a) in any event.

comment 1489

comment by: TAP Portugal

**Relevant Text:**

(a) *Prior to commencing operations, the operator shall declare its capability and means to discharge responsibilities associated with non-commercial operation of complex motor-powered aircraft to the Competent Authority*

**Comment:**

We understand that this paragraph only applies to non-commercial operators of complex motor power aircraft but not to non-commercial operations conducted by commercial operators. We therefore suggest the editorial comment as below in order to avoid any misunderstanding

**Proposal:**

(a) *Prior to commencing **non-commercial** operations, the operator shall*

*declare its capability and means to discharge the responsibility associated with the non-commercial operation of complex motor-powered aircraft to the Competent Authority*

comment 1540 comment by: *Pietro Barbagallo ENAC*

1) Comment: For Non Commercial Operation it seems that guidance material provided is not sufficient to ensure a good level of standardisation among member States. Such consideration is made especially because these requirements were not in place before (as JAR) .

Justification: a lack of guidance may generate a not adequate level of standardisation among EU Member States

2) Comment: terms like "capability" and "means" should be explained in a relevant AMC

comment 1763 comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

enter under a) ...motor-powered aircrafts **and balloons (non-commercial and commercial operations)**

comment 1894 comment by: *Walter Gessky*

**OR.OPS.040.DEC Declaration**

**Add to (c)**

**(c) any additional data requested by the competent authority are adequately provided.**

Justification:

The NAA might require that additional data are provided.

comment 2024 comment by: *IAOPA Europe*

OR.OPS.040.DEC item c should be deleted. The declaration is not an approval and therefore the Authority should not have to explicitly send an acknowledgement of receipt before operations can begin. Any normally accepted kind of receipt should be sufficient. For instance a fax machine receipt or a simple verification by phone.

Great care should be made that the declaration system is not gradually turned into an approval system by the way it is handled.

The Authority Requirements on what the Authority should do when receiving a declaration is a clear indication that this is happening, since they specify a number of checks which the Authority is required to perform before returning a receipt. The declaration/receipt system therefore starts to resemble a light-weight application/approval system. This was not the intention with the basic regulation and is not acceptable for non-commercial operations.

It should be clear that the purpose of a declaration is to inform the Authority about the Operator's existence and activities in order that the Authority can include the Operator in its normal supervision programme. The Authority should in no way be required or expected to do an a-priori approval or assessment of the non-commercial operator. Such requirements would create

an uncertain legal situation regarding the responsibility of the Authority and drive up the costs associated with the declaration process.

comment

2045

comment by: *AUSTRIAN Airlines***Relevant Text:**

(a) *Prior to commencing operations, the operator shall declare its capability and means to discharge responsibilities associated with non-commercial operation of complex motor-powered aircraft to the Competent Authority*

**Comment:**

We understand that this paragraph only applies to non-commercial operators of complex motor power aircraft but not to non-commercial operations conducted by commercial operators. We therefore suggest the editorial comment as below in order to avoid any misunderstanding

**Proposal:**

(a) *Prior to commencing **non-commercial** operations, the operator shall declare its capability and means to discharge the responsibility associated with the non-commercial operation of complex motor-powered aircraft to the Competent Authority*

comment

2343

comment by: *KLM***Relevant Text:**

(a) *Prior to commencing operations, the operator shall declare its capability and means to discharge responsibilities associated with non-commercial operation of complex motor-powered aircraft to the Competent Authority*

**Comment:**

We understand that this paragraph only applies to non-commercial operators of complex motor power aircraft but not to non-commercial operations conducted by commercial operators. We therefore suggest the editorial comment as below in order to avoid any misunderstanding

**Proposal:**

(a) *Prior to commencing **non-commercial** operations, the operator shall declare its capability and means to discharge the responsibility associated with the non-commercial operation of complex motor-powered aircraft to the Competent Authority*

comment

2517

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(a) *Prior to commencing operations, the operator shall declare its capability and means to discharge responsibilities associated with non-commercial operation of complex motor-powered aircraft to the Competent Authority*

**Comment:**

We understand that this paragraph only applies to non-commercial operators of complex motor power aircraft but not to non-commercial operations conducted by commercial operators. We therefore suggest the editorial comment as below in order to avoid any misunderstanding

**Proposal:**

(a) *Prior to commencing **non-commercial** operations, the operator shall declare its capability and means to discharge the responsibility associated with the non-commercial operation of complex motor-powered aircraft to the Competent Authority*

comment	2760	comment by: <i>Department for Transport UK</i>
<p>A declaration will not provide a sufficient level of safety oversight for all operators of complex motor-powered aircraft used in non-commercial operations, specifically managed aircraft operations where an aircraft is operated by a specialised management company on behalf of a single, or several, owners. Most such operations are currently treated as commercial air transportation and the operators hold an Air Operator's Certificate. To move such operations out of any certification regime would be a retrograde step with significant safety implications. It is noted that similar operations in the US are issued with mandatory "management specifications" issued by the FAA under subpart K of FAR 91.</p>		
comment	2850	comment by: <i>Civil Aviation Authority of Norway</i>
<p>Comment to (c); If the operation shall not be commenced before the acknowledgment from the competent Authority is received, such acknowledgment will constitute an approval from the competent Authority. Therefore, we suggest that the declaration must be submitted at least 30 days before the planned date of starting operations, giving the competent Authority some time for evaluation of the planned operations, and to be able to decide if parts of the operation needs a specific approval .</p>		
comment	2877	comment by: <i>Swiss International Airlines / Bruno Pfister</i>
<p><b>Relevant Text:</b> (a) <i>Prior to commencing operations, the operator shall declare its capability and means to discharge responsibilities associated with non-commercial operation of complex motor-powered aircraft to the Competent Authority</i></p> <p><b>Comment:</b> We understand that this paragraph only applies to non-commercial operators of complex motor power aircraft but not to non-commercial operations conducted by commercial operators. We therefore suggest the editorial comment as below in order to avoid any misunderstanding</p> <p><b>Proposal:</b> (a) <i>Prior to commencing <b>non-commercial</b> operations, the operator shall declare its capability and means to discharge the responsibility associated with the non-commercial operation of complex motor-powered aircraft to the Competent Authority</i></p>		
comment	3166	comment by: <i>Irish Aviation Authority</i>
<p>Comment: (a)(b)(c) - The simple declaration by an operator or third party is unacceptable to a competent authority. Within the regulation there should be a mechanism whereby a declaration has to deemed to be acceptable to the competent authority and an endorsement to that fact included on the acknowledgement of the declaration.</p> <p>Justification: Exercising of appropriate oversight by a competent authority.</p> <p>Proposed text:</p>		

Amend text to include "and that declaration is deemed to be acceptable to the competent authority".

comment

3237

comment by: *Civil Aviation Authority Finland*

*Comment on OR.OPS.040.DEC (a):*

The operator's self declaration of his capability and that his manuals, training and procedures are fulfilling the rules can be too optimistic. When the Authority does not check (either even see) the manuals, procedures or training of the operator and the operator does not have any AOC or Approval given by the Authority, there are no means or procedure to deny the the beginning or continuation of the non-standard operation by suspending, limiting or revoking the AOC or the Approval.

*Justification:*

We have seen during some OPS and TRG inspections of the operators or, when inspecting the documents of some applications of ratings, that the training or procedures do not meet all the requirements, even when the operator or training organization has given a statement or certificate that these are done by the requirements.

*Comment on OR.OPS.040.DEC (b):*

When a third party on behalf of the owner is operating a complex motor-powered aircraft as an operator, the operation ("fractional ownership operations") very often is in reality commercial air transport operations, where the owner (or a group of shareholder companies) or the passengers (employees of the owner company) do not have any decision making or supervision of the flight operations.

*Justification:*

It is very difficult for the Authority to supervise this kind of operations and check, if the passengers really are employees or guests of the owner of the aircraft.

Very often this kind of fractional ownership operator has been flying with passengers who (or who's employer) may own a part of shares of some other aircraft operated by the same operator. The fractional ownership operator is also invoicing "the customer" of the flight service and usage of the aircraft per passenger and flight hours flown.

This kind of "private operations" is in praxis CAT without any Operating Licence and AOC.

comment

3356

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Paragraph text:**

(b) When the noncommercial operation of a complex motorpowered aircraft is managed by a third party on behalf of the owner, that party shall declare its capability and means to discharge the responsibilities associated with the operation of the aircraft to the competent authority.

c) Operations shall not commence before an acknowledgement of receipt from the Competent Authority has been received.

**Comment:**

b) It is unclear if it is the owner/owners or the manager that has to apply for certain approvals e.g. RVSM, MNPS etc.

c) It is unclear what is legally meant by a “acknowledgement of receipt”.

**Proposal:**

Clarify the concept of Fractional Ownership in this context.

comment

3382

comment by: *Konrad Polreich*

OR.OPS.040.DEC (c) Declaration

There should be a provision implemented in that rules, enabling operators to commence operation, if no response of the authorities is received 4 or 5 weeks (at the latest) after shipping the declaration to the authorities. Otherwise lack of capacity of an authority could cause an operation to have to quit.

Suggestion:

(c) Operations shall not commence before an acknowledgement of receipt from the Competent Authority has been received. If this acknowledgement is not received within 4 (5) weeks (28 days) from the day the declaration is forwarded to the authority, operations may be commenced under the provisions as layed out in the declaration forwarded.

comment

3939

comment by: *FAA*

**1. OR.OPS.040.DEC Declaration**

*Comment:*

The proposed regulation indicates:

(a) Prior to commencing operations, the operator shall declare its capability and means to

discharge the responsibilities associated with the noncommercial operation of complex motorpowered aircraft to the competent authority.

(b) When the noncommercial operation of a complex motorpowered aircraft is managed by a third party on behalf of the owner, that party shall declare its capability and means to discharge the responsibilities associated with the operation of the aircraft to the competent authority.

(c) Operations shall not commence before an acknowledgement of receipt from the

Competent Authority has been received.

The basic rule and the guidance material are unclear as to which operations (foreign and domestic) are effected by this requirement. The guidance material does not provide necessary instructions as to how this is to be accomplished. For example, does the regulation apply to a one-time operation of an aircraft that is not licensed in an EASA Member State? How will a one-time operator comply with this requirement if it is applicable to these operations, and where will the operator submit the declaration? Will EASA be equipped to handle requests from non-EASA member licensed operators in a timely manor?

*Recommendation:*

Modify the guidance material to more clearly define the applicability of this provision and the process to be used to comply.

<b>Content of the declaration</b>
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- |         |  |  |
|---------|--|--|
| comment | 713  | comment by: <i>Luftfahrt-Bundesamt</i>   |
|         | <p>The LBA does not agree to the introduction of a declaration due to the uncertain legal situation. The NAA responsibilities are not clear. Rule material should either clarify this role, supported by AMC material, or being removed, what we prefer.</p> <p>Justification: see LBA - General Comment, reason 5</p>   |  |
| comment | 1543   | comment by: <i>Pietro Barbagallo ENAC</i>  |
|         | <p>Comment: This paragraph should have a relevant AMC or GM to clarify some aspects of the requirement. For example to define the meaning of <b>industry standard</b>, which is shown among the Statements section of the Declaration form.</p>  |  |
| comment | 1764   | comment by: <i>Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany</i> |
|         | <p>Remark: What about 'Annex-II-balloons without certificate by EASA?</p>  |  |
| comment | 1836   | comment by: <i>Elaine Allan Monarch</i>  |
|         | <p>Page No. 6</p> <p>Ref No. NPA 2009 -02c OR OPS 220 MLR Page 6 of 136</p> <p>Summary of EASA Proposed Requirement:<br/>Reference is made to the storage of records detailed in OR GEN 200 for 5 years (separate document)</p> <p>Comment:</p> <p>Justification:</p> <p>Proposed Text (if applicable)</p>   |  |
| comment | 1895   | comment by: <i>Walter Gessky</i>   |
|         | <p><b>Appendix 1 to OR.OPS.041.DEC Template Declaration Statements:</b></p> <p>Delete this bullet:<br/>(If applicable)</p> <p><del>The operator has implemented and demonstrated conformance to an officially recognised industry standard.</del></p> <p><del>Name of the standard:</del></p> <p><del>Date of the last audit of their conformance:</del></p> <p>Justification:<br/>Use of industry standards is not supported, when these standards are not accepted following rulemaking procedures according Article 52 of the Basic Regulation.</p> |  |

- comment 2851 comment by: *Civil Aviation Authority of Norway*
- The declaration form (Appendix 1) should contain information of the aircraft owner(s) and should also include a space regarding the handling/acknowledgment procedure taken by the competent Authority, in order to ensure a common practise among member states.
- comment 3404 comment by: *Konrad Polreich*
- Appendix 1 to OR.OPS.041.DEC Template Declaration
- Statements:  
 What are "officially recognised industry standards"?  
 Where are those stated?  
 How is the standard "officially recognised"?
- Suggestion:  
 Insert a link/source to the publication, where these standards are stated and who did "officially recognise" it.
- comment 3511 comment by: *BMW AG*
- No GM/AMC exists to further clarify the term "officially recognised industry standard" as found under "Statements" in the form. Please add an AMC OR.OPS.041.DEC and name at least the industry standard IS-BAO.
- comment 3946 comment by: *FAA*
- 1. OR.OPS.041.DEC**
- Comment:*  
 Content of Declaration Form is not described. The form should include more detail or instructions for completion. If persons completing the Declaration do not understand what information is being requested, you may find inconsistencies in the information collected. For example, there is a block for "organizational structure," but some private operations using complex motor-powered aircraft may not involve an organization.
- Recommendation:*  
 Include descriptions of the information requested in each block of the form.

### C. III. Draft Opinion Part-OR - Subpart OPS - Section IV

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- comment 3119 ❖ comment by: *DGAC*
- R216/2008 states in recital (7) and in Article 8 the following :
- "(7) [...] The Commission should be empowered to develop the necessary implementing rules for establishing the conditions for the issue of the certificate or the conditions for its replacement by a declaration of capability, taking into account the risks associated with the different types of operations, such as certain types of aerial work and local flights with small aircraft."

Article 8.2 :

“Unless otherwise determined in the implementing rules, operators engaged in commercial operations shall demonstrate their capability and means of discharging the responsibilities associated with their privileges.”

However there is no provision in the Implementing Rules determining when the certification can be replaced by a declaration.

**Proposal :**

In *Section IV-Air operation certification*, add a chapter “**Specific requirements for commercial operations other than commercial air transport** » specify when the certificate can be replaced by a declaration of capability, as mentioned in recital (7) and article 8.2 of R216/2008.

In *Section III-Air operator declaration* **OR.OPS.040.DEC D eclaration**, take into account the fact that not only non-commercial operations of complex-motor powered are subject to declaration, but also some COM operations specified in section IV

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.015.AOC  
Application for an Air Operator Certificate**

p. 9-10

comment 224 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.015.AOC(b): NIL.  
The change has been noted, but it is accepted.

comment 441 comment by: *CAA-NL*

Comment CAA-NL:  
The A to A operations of piston engine driven aircraft with a max of 4 seats and operating only in the FIR of the Authority which should be relieved of an EASA AOC. The working time of these operators is most of the time for circa 6 months a year. The EASA OPS is not written for this kind of operations. Place it in its total under the responsibility of the local authority.

comment 576 comment by: *AECA helicopters*.

(h) define minor change, to guarantee the basic approval of the OM.

comment 698 comment by: *Civil Aviation Authority of Norway*

Coment to paragraph b:  
The requirement for the Accountable Manager to be accepted by the Competent Authority seems to be lost compared to EU-OPS 1.175 (h) and JAR-OPS 3.175 (h).  
Considering the Accountable Manager’s essential function in the organization, and as the focal point for the communication with the Competent Authority, we would strongly suggest that this position still will be subject to an acceptance by the competent authority. The acceptance serves as a safeguard against appointing inexperienced/unsuitable candidates for the position (which could possibly have a negative impact on flight safety). The acceptance also serves as an opportunity for the Competent Authority to interview the candidate, and

to make sure that the candidate has understood the responsibilities of the position as Accountable Manager.

We therefore strongly suggest to maintain the requirement for such acceptance as in EU-OPS 1.175 (h) and JAR-OPS 3.175 (h), and/or specify the criteria/qualifications etc. that should be taken into account when such an acceptance is made.

comment 780 comment by: *claire.amos*  
 (c) (4) Should this read that flights **WILL** be conducted

comment 781 comment by: *claire.amos*  
**(b) (6)** refers to;\_ OR.GEN.200(a) (6) 'an organisation manual containing all management system processes, including a process for making personnel aware of their responsibilities and an amendment procedure'  
 This is a new formal requirement which appears to require approved departmental management manuals.

comment 1246 comment by: *UK CAA*  
**Page No:** 9 of 136  
**Paragraph No:** OR.OPS.015.AOC (b)  
**Comment:** The competent authority should have full access to examine all safety aspects of an AOC operation.  
**Justification:** To confirm the competence of an operator to manage and control the operation.  
**Proposed Text (if applicable):** *An applicant for an AOC, or variation of an AOC, shall allow the Competent Authority to examine all safety aspects of the proposed operation.*

comment 1247 comment by: *UK CAA*  
**Page No:** 9  
**Paragraph No:** OR.OPS.015.AOC (b)  
**Comment:** The mailing address should include an email address as far as is practicable.  
**Justification:** Most business is now completed electronically.  
**Proposed Text (if applicable):**  
 (a) (1) The official name and business name, address, mailing address and email address, if any, of the applicant.

comment 1248 comment by: *UK CAA*

**Page No:** 10 of 136

**Paragraph No:** OR.OPS.015.AOC (c) (2)

**Comment:** The rule states that all aircraft operated have a certificate of airworthiness in accordance with Part 21.

**Justification:** This, de facto, will prevent the vast majority of dry lease-in arrangements from third countries because such aircraft are unlikely to have a C of A issued in accordance with Part 21. At page 45, para 16 the Agency appears to acknowledge the problem such a rule creates, but the proposed rule does not cater for the dry-lease situation.

**Proposed Text (i f applicable):** "all aircraft operated have a certificate of airworthiness in accordance with Part 21, or an equivalent standard if registered outside the Community."

comment 1766 comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

From our point of view regarding to EC-Directive 216-2008 article 3 i) the request/demand of an AOC is unreasonable.  
A declaration for commercial balloon-operations is sufficient.

comment 1884 comment by: *Southern Cross International*

OR.OPS.015.AOC (b)(2)

The type of operations performed by our company involves a wide variety of different aircraft types. This makes it difficult to comply with this requirement.

comment 1885 comment by: *Southern Cross International*

OR.OPS.015.AOC (c)(2)

The nature of our operations may require us to operate aircraft with a permit to fly.

It is proposed to modify OR.OPS.015.AOC as follows:

(c)(2) all aircraft operated have a certificate of airworthiness or permit to fly in accordance with Part21;

comment 1886 comment by: *Southern Cross International*

It is unclear how compliance with OR.OPS.015.AOC (c) (2) should be obtained in case of a test flight or ferry flight with a (complex motor-powered) aircraft which is registered in a third country and owned cq operated by a non-Community operator.

This is in particular important for Community MRO providers and leasing companies that need to carry out test and/or ferry flights.

comment 2762 comment by: *Department for Transport UK*

An AOC is a requirement of Annex 6 to the Chicago Convention for operators

involved in commercial air transport (CAT) operations. The AOC is recognised worldwide as a document that authorises the holder to conduct CAT operations. To issue AOCs to operators which are not authorised to conduct CAT would move away from the ICAO system and could cause confusion in third countries about what EASA AOC holders are authorised to do. A separate certificate should be established for non CAT commercial operations

comment

3120

comment by: DGAC

**(b) :****Proposal :**

Add the following item :

**"(7) A copy of the Operations Manual, as required by OR.OPS.015.MLR"**

**Justification:**

There is no reason to delete this item which was contained in the administrative requirements of EU-OPS/JAR-OPS3 1/3.185

comment

3121

comment by: DGAC

**(c)(1) :****Proposal :**

Amend (c)(1) as follows :

(1) they comply with all the applicable requirements of this Part, ~~and~~ Parts OPS **and with Annex IV of the Basic Regulation;**

**Justification:**

OR.OPS.100.GEN states that "The operator is responsible for the operation of the aircraft in accordance with Annex IV of the Basic Regulation, Part OPS, the applicable subparts of this Regulation and its declaration or certificate."

When applying for an AOC, the applicant should not only demonstrate the compliance with Part OPS & Part OR but also with Annex IV of the Basic Regulation

comment

3122

comment by: DGAC

**(c)(2) :**

A "standard"/restricted Certificate of Airworthiness is Part 21 and therefore shall comply with the applicable provisions related to continuing airworthiness and maintenance (Part M, Part 145, etc...) according to R216/2008. Such an aircraft can not be considered as an Annex II aircraft anymore.

Therefore, as Annex II aircraft can not comply to (c)(2) of OR.OPS.015.AOC requesting all aircraft operated in commercial air transport to have a certificate of airworthiness in accordance with Part 21, we understand that aircraft referred to in points (a)(ii), (d) and (h) of Annex II are not eligible for Commercial Air Transport (CAT) according to § 5 of article 4 of R216/2008.

comment

3359

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)***Paragraph text:**

a) Without prejudice to Regulation (EC) 1008/2008, prior to commencing commercial air operations, the operator shall apply for and obtain an air operator

certificate issued by the competent authority.

**Comment:**

There seem to be no balance/harmonisation between regulation (EC) 1008/2008 and the proposal. An AOC has a certain meaning in regulation (EC) 1008/2008 and is only applicable to commercial air transport. It is not the same as in the proposal. Hence it creates confusion when reading the text.

**Proposal:**

Clarification is needed.

comment

3360

comment by: *Luftfahrt-Bundesamt*

The requirement in OR.OPS.015 AOC (c)(2) asking for a CoA issued in accordance with Part 21 is not harmonised with Article 4, paragraph 5, asking operators of aircraft falling under the Annex 2, paragraphs (a)(ii), (d) and (h) of the Basic Regulation to comply with this Regulation and its corresponding implementing rules. For an Annex 2 aircraft, it is not possible to issue an airworthiness certificate in accordance with Part 21. Hence, OR.OPS.015 AOC needs to be adjusted accordingly.

comment

3626

comment by: *Austro Control GmbH*

The new wording of OR.OPS.015 AOC addresses only a very few cases (e.g. Beluga), but does not cover the majority of the existing derogations. What about Annex II aircraft wie CofA according to ICAO Annex 8? Therefore the explanations in NPA 02a, Page 45, Point 16 are not valid for all kind of Annex II aircraft and derogations will be further necessary. Additionally in the strict sense of the new wording ,all CofA issued before entering into force of Part 21 would not be qualified for AOC. Therefore grandfathering must be assured. It is assumed that also derogations continue to be valid.

It is unclear and not comprehensible why an aircraft with a restricted Cof A according to Part 21 should be qualified for an AOC, where an ICAO Annex 8 conforming standard Cof A should not. Those cases, especially third country registered aircraft (with oversight transfer), were brought to Commission for derogation. A general clear statement would be helpful.

Because of missing NPA-TCO this comment might be incomplet.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.020.AOC  
Operation specifications and privileges of an air operator certificate holder**

p. 10

comment

1388

comment by: *Austro Control GmbH*

In conjunction with NPA 2008-22b (page 28; Form OPSSPECS) Austro Control recommends that for important reasons of transparency and administrative procedures the registration number of each aircraft operated by an operator should be mentioned on the form (and not only in the OM).

Therefore it is suggested to add a field on the OPSSPEC Form that provides the insertion of the registration number (Page 28 and 29 of NPA 22b).

comment

3124

comment by: *DGAC*

**Proposal :**

Delete (b)

**Justification :** o There is no use saying that “The privileges of the holder of an air operator certificate may include any of the operations requiring specific approvals referred to in PartOPS.SPA.”  
o The use of “may” makes that provision more a guidance material than a requirement  
Some SPA are restricted to CAT (HEMS for instance... *though it will be proposed in our comments to move HEMS back to CAT*)

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.025.AOC Changes**

p. 10

comment

142

comment by: EHOc

Title

Why isn't this number the same as OR.GEN - i.e. OR.OPS.030.AOC?

comment

3764

comment by: Virgin Atlantic Airways

Relevant Text:

OR.OPS.025.AOC Changes

In the case of an amendment to the certificate, applicants shall provide the competent authority with the relevant parts of the Operations Manual, the Organisation Manual and all other relevant documentation.

**Comment:**

What if the competent authority wish to change the certificate?

**Proposed Text:**

**OR.OPS.025.AOC Changes**

Should an applicant require an amendment to the certificate, they shall provide the competent authority with the relevant parts of the Operations Manual, the Organisation Manual and all other relevant documentation.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.030.AOC Leasing**

p. 10-11

comment

230

comment by: ECA - European Cockpit Association

Comment on OR.OPS.030.AOC(b)(2)(ii):

ECA requests clarification:

Reference to OPS.CAT.220.A is made, but the paragraph does not exist. What is the correct reference?

comment

232

comment by: ECA - European Cockpit Association

Comment on OR.OPS.030.AOC(b)(2)(iv):

ECA requests clarification:

Identify the OR.OPS.CC requirements concerned by section. The “medical and training requirements” are not clearly listed.

comment 233 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.030.AOC: add new paragraph (e) on wet lease out as follows:

**WET LEASE-OUT**  
**(e) Any Community Operator wet-leasing out an aircraft registered in the Community to a third country operator shall remain the operator of the aircraft and retain all functions and responsibility prescribed in section IV.**

Justification:  
 Provisions on wet lease-out are missing.  
 Such provisions are required to ensure a safe and secure return of aircraft and crew within the operator's certificate scope, in particular in terms of aircraft maintenance and crew training and checking.

comment 344 comment by: *CAA-NL*

CAA-NL proposal to change ANY LEASE-IN as follows:

(a) Without prejudice to Regulation 1008/2008, any lease-in agreement for aircraft used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator certified in accordance with this section (Community operator) shall be subject to prior authorisation of the competent authority.  
 (AMC OR.OPS.030 shall include more detailed provisions regarding wet-leased aircraft registered within the Community to mitigate "endangering safety" as meant in CR 1008/2008 Article 13 and, more specific, expelling lease-in of Community operators with EC SAFA warnings.)

Justification  
 According to Article 13.1 of Regulation (EC) 1008/2008, Community air carriers may freely operate wet-leased aircraft registered within the Community except where this would lead to endangering safety. The Commission shall ensure that the implementation of such a provision is reasonable and proportionate and based on safety considerations. According to 13.2 any wet lease agreement under which the Community air carrier is the lessee of the wet-leased aircraft shall be subject to prior approval.  
 For safety considerations, member states may wish to mitigate risks by expelling the possibility to wet lease-in certain Community aircraft that have been earmarked in the SAFA program for closely monitoring (see also PART AR section IV). Furthermore, the lessee may be advised to conduct an onsite audit of the Community operator (lessor) to ensure compliance with the standards maintained by the lessee under its approved AOC (level of implementation, safety culture i.e.).

comment 345 comment by: *CAA-NL*

CAA-NL proposal to change WET LEASE-IN as follows:

(b) To obtain the authorisation as referred to in (a) above for the wet lease-in of an aircraft registered in a third country, an operator for which a Member States ensures oversight of operations, shall demonstrate to the competent authority that:

(1) The lessor is an operator holding an authorisation in accordance with Part-TCO and

(2) comply with safety standards equivalent to:  
 Part-OPS.GEN, Part-OPS.CAT (excluding OPS.CAT.220.A?), Part-FCL Annex III, OR.GEN Section 2, OR.OPS.GEN, OR.OPS.MLR excluding OR.OPS.020.MLR, OR.OPS.FC, the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CSFTL and OR.OPS.SEC; Part-M; and Part-145.

**Justification**

According to Article 13.3 of Regulation (EC) 1008/2008 a Community air carrier may obtain prior approval to wet lease aircraft registered in a third country from another undertaking, if the Community air carrier demonstrates to the satisfaction of the competent authority that all safety standards equivalent to those imposed by Community or national law are met.

According to articles 4.1(c) and 8.1. of the Basic regulation (216/2008), aircraft registered in a third country, and used by an operator for which any Member State ensures oversight, shall comply with the essential requirements laid down in Annex IV.

When an third country aircraft is used by an Community operator and is operated under the AOC of the third country lessor (Wet lease-in) it seems not logical that such aircraft also shall comply with the essential requirements laid down in Annex IV but shall have equivalent safety standards.

comment

346

comment by: CAA-NL

CAA-NL proposal to add OR.OPS.030 (c) regarding 'any lease' as follows:  
 Any lease-out for aircraft used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator certified in accordance with this section shall be subject to prior notification to the competent authority (including the specifications of the lease (area of operation, use of other cabincrew, functions and responsibilities i.e.)

**Justification**

The provision of EU OPS 1.165(b)(c) regarding wet lease-out seems not longer to be applicable in OR.OPS.030.AOC. Also, Regulation (EC) 1008/2008 does not require prior approval when the Community operator wet-leases out (as a lessor) an aircraft. However, the Authority has to verify if the lease-out is covered by the AOC (training of damp cabin crew, outstations, handing, use of lessee's procedures i.e.) Also, the EU has to be informed in case of wet lease-out to a blacklisted carrier.

comment

347

comment by: CAA-NL

CAA-NL proposal to add OR.OPS.030 DRY LEASE-in as follows:

Any dry lease-in of an aircraft registered in a third country by an operator for which any Member State ensures oversight of operations, shall be subject to the prior authorisation of that Member State's competent authority.

To obtain the authorisation as referred to above, the following conditions shall be met:

(1) The Member State started a procedure to accept the aircraft on its national register as meant in article 12 of EC regulation 1008/2008;

(2) Dry lease-in while registered in a third country is necessary for overcoming a limited period prior to registration in the national register of the Member State. This period shall not exceed 2 months;

(3) The lessee shall ensure that the aircraft has an equivalent safety level and

any differences from the applicable retroactive airworthiness requirements and/or the requirements prescribed in PART OPS Section IV (Instruments, data and equipment) are notified to and are acceptable to the competent authority;

(4) the competent authority of the lessor has transferred its responsibilities for oversight of operations and maintenance to the competent authority of the lessee;

(5) the aircraft is removed from the AOC of the lessor;

(6) the aircraft is maintained in accordance with an approved maintenance programme.

### **Justification**

The provision on waiver of article 8.3 of Regulation (EC) 2407/92 has been removed with Regulation (EC) 1008/2008; according to Article 13.2 a dry lease agreement to which a Community air carrier is a party (...) shall be subject to prior approval in accordance with applicable Community or national law on aviation safety.

Article 12 of Regulation (EC) 1008/2008 is more restrictive than regulation 2407/92 and EU OPS. In case of dry lease-in, including financial lease, no waiver of registration can be given and thus aircraft registered in a third country with "equivalent" instruments or communication/navigation equipment can not (temporary) be added to the AOC unless registered within the Community and fully compliant with the essential requirements laid down in Annex IV.

Within EU OPS 1.165(c)(1)(ii) a Community operator could ensure that, with regard to aeroplanes that are dry leased-in, any differences from the requirements prescribed in EU OPS Subparts K, L, and/or OPS 1.005(b), are notified to and are acceptable to the Authority.

Such a provision may be necessary to overcome a limited time prior to national registration. In stead of "damp leasing" a third country aircraft with lessee's flight crew operating under Lessor's AOC it would be more transparent if the third country aircraft may temporary be added to the AOC and operated under the Lessee's management.

comment

632

comment by: AEA

### **Relevant Text:**

#### **WET LEASE-IN**

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:

(1.) The lessor is an operator holding an authorization in accordance with Part TCO; and

(2.) The following requirements are met: (i) Part-OPS.GEN; (ii) for commercial air transport (CAT) operations Part-OPS.CAT excluding OPS.CAT.220.A if authorised by the state of the operator (iii) for commercial operations other than CAT, Part-OPS.COM; (iii) Part-FCL Annex III; (iv) OR.GEN. Section 2; OR.OPS.GEN; OR.OPS.MLR excluding OR.OPS.020.MLR; OR.OPS.FC. the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CS-FTL and OR.OPS.SEC (v) Part-M and (vi) Part-145

(3.) Compliance with the essential requirements and applicable implementing rules may be demonstrated by applying the procedures contained in the operations manual of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the AEA is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

633

comment by: AEA

**Relevant text:**

Wet-Lease In (b)(2) the following requirements are met:

(vi) Part-145

**Comment:**

Not every operator is Part-145 approved. An operator shall contract an approved Part-145 organization for maintaining their fleet. This is already covered via Part-M

**Proposal:**

Delete part (vi)

comment

634

comment by: AEA

**Comment:**

This paragraph does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing

**Proposal:**

Add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For

unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

comment 1241 comment by: *Austro Control GmbH*

General comment to (a):

Any lease-in:

it should be clarified, that only operational lease-in has to be considered (financial lease, as known eg by ICAO Doc 295, should not be included by this operational requirement).

*"Without prejudice.... any **operational** lease-in agreement...."*

comment 1249 comment by: *UK CAA*

**Page No:** 10 of 136

**Paragraph No:** OR.OPS.030.AOC Leasing

**Comment:** The text uses the word 'authorisation' rather than 'approval'.

**Justification:** EC Reg 1008/2008 and EU-OPS use 'approval' when describing the process of permitting a lease arrangement. This is a consistently used and understood term in the context of leasing.

**Proposed Text (if applicable):** Replace "authorisation" with "approval".

comment 1250 comment by: *UK CAA*

**Page No:** 10 of 136

**Paragraph No:** OR.OPS.030.AOC (a to d)

**Comment:** The draft text contains no requirements to cover dry lease-in of Community registered aircraft.

**Justification:** EC Reg 1008/2008, Article 13 (2) requires that a dry lease agreement to which a Community air carrier is a party shall be subject to prior approval in accordance with Community law. In this case EU-OPS is the law for aeroplanes, and EU-OPS 1.165(b)2(i) requires prior approval before operating a dry lease-in from a Community operator.

**Proposed Text (if applicable):** OR.OPS.030.AOC (a) - ".....registered in a third country or a Member State and used by an operator....."

comment 1251 comment by: *UK CAA*

**Page No:** 10 of 136

**Paragraph No:** OR.OPS.030.AOC (b)(2)

**Comment:** The text requires specific adherence to European Requirements

rather than ICAO standards or equivalent safety standards e.g. FARs, CARs etc.

**Justification:** By demanding strict adherence to European Requirements rather than permitting acceptance of equivalent safety standards, the wording as written would preclude, or severely limit, wet leasing in of Third Country aircraft. The concept of equivalent safety standards for wet leasing Third Country aircraft is recognised and clearly stated in EC Reg 1008/2008, Article 13 (3) (a) and OR.OPS.030.AOC (a) states that an approval should be granted "Without prejudice to Regulation 1008/2008".

**Proposed Text (if applicable):** Replace "The following requirements are met:" by "Standards equivalent to the following requirements are met:"

comment

1252

comment by: UK CAA

**Page No:** 10 of 136

**Paragraph No:** OR.OPS.030.AOC (b)(3)

**Comment:** The use of the word "applying" is inappropriate.

**Justification:** The use of "applying" suggests following the procedure in the operations manual rather than checking the procedure is present.

**Proposed Text (if applicable):** ".....may be demonstrated by confirmation that the appropriate procedures are contained in the operations manual....."

comment

1253

comment by: UK CAA

**Page No:** 11 of 136

**Paragraph No:**  
OR.OPS.030.AOC (d)(1)

**Comment:**

In the case of a dry lease-out between operators whose AOCs are issued by the same Member State there is no need to transfer responsibilities for the oversight of operations and maintenance.

In addition, in agreeing to a 'transfer' of responsibilities, the rule does not permit any flexibility in what aspects are to be transferred.

**Justification:**

As the oversight responsibility does not change, a Member State's normal methodology for accepting an aircraft onto an AOC would apply and no transfer of responsibility occurs.

There may be practical reasons why retention of responsibilities are appropriate, e.g. a leased aircraft may remain in the lessor's Member State as part of the lessee's operation, or other examples where the maintenance and continued airworthiness responsibilities may be retained by the lessor's competent authority.

**Proposed Text (if applicable):** "except in the case of a dry lease between

operators overseen by the same Member State, the competent authority has reached agreement with the competent authority of the lessee on which responsibilities are to be transferred for the oversight of operations and maintenance;"

comment

1255

comment by: UK CAA

**Page No:** 11**Paragraph No:** OR.OPS.035.AOC**Comment:**

UK CAA does not understand why code-share arrangements which are essentially marketing arrangements, and which according to the definition in this NPA may cover arrangements with operators that never visit the Community, should be covered by these OPS requirements.

**Justification:**

Given that the scope of these requirements is, according to OPS.GEN.005 to establish requirements to be met to ensure compliance with Article 8 of 216/2008, the UK CAA presumes that code-sharing arrangements are included because it is thought necessary for operation of aircraft referred to in Article 4.1 (c). The CAA does not consider that "an arrangement under which an operator places its designator on a flight operated by another operator" can reasonably be interpreted as a means by which the aircraft used on the flight is used by the first operator.

The safety of third country operators operating aircraft into, within, or out of the Community, whether or not subject to marketing arrangements such as code-sharing, are in scope of Article 4.1(d) and will be covered by the measures designed to implement Article 9 of 216/2008; as such they will be subject to an authorisation issued in accordance with Part-TCO.

**Proposed Text (if applicable):**

Delete all OR.OPS.035.AOC

comment

1490

comment by: TAP Portugal

**Relevant Text:**

WET LEASE-IN

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:

(1.) The lessor is an operator holding an authorization in accordance with Part TCO; and

(2.) The following requirements are met: (i) Part-OPS.GEN; (ii) for commercial air transport (CAT) operations Part-OPS.CAT excluding OPS.CAT.220.A if authorised by the state of the operator (iii) for commercial operations other than CAT, Part-OPS.COM; (iii) Part-FCL Annex III; (iv) OR.GEN. Section 2; OR.OPS.GEN; OR.OPS.MLR excluding OR.OPS.020.MLR; OR.OPS.FC. the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CS-FTL and OR.OPS.SEC (v) Part-M and (vi) Part-145

(3.) Compliance with the essential requirements and applicable

implementing rules may be demonstrated by applying the procedures contained in the operations manual of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the AEA is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

1491

comment by: *TAP Portugal*

**Relevant text:**

Wet-Lease In (b)(2) the following requirements are met:

(vi) Part-145

**Comment:**

Not every operator is Part-145 approved. An operator shall contract an approved Part-145 organization for maintaining their fleet. This is already covered via Part-M

**Proposal:**

Delete part (vi)

comment

1492

comment by: *TAP Portugal*

**Comment:**

This paragraph does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing

**Proposal:**

Add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For

unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

comment

1599

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS.030.AOC leasing WET LEASE -IN (b) (2) (ii) and (3)**

**Comment:**

Can foreign operators comply with the IR without complying with the AMCs ?  
How can this be demonstrated ?

**Replace** "The following requirements are met:" by "An equivalent level of safety is shown for the following requirements:"

**Delete** "(vi) Part-145". Justification: How can EASA request compliance with Part-145 from a foreign operator when it is not required from an EU operator ? Only maintenance organisations can comply with Part-145.

Reference to OPS.CAT.220.A is void.

comment

1896

comment by: *Walter Gessky*

1. **OR.OPS.030.AOC Leasing**

(a) Without prejudice to Regulation 1008/2008, any lease in agreement for aircraft registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator certified in accordance with this section (Community operator) shall **apply for and** be subject to prior authorisation of the competent authority.

Justification: National rules require an application before the start to act and to charge for the activities. If a certificatory document shall be approved without an application legal uncertainty exists.

comment

2046

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

WET LEASE-IN

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:

(1.) The lessor is an operator holding an authorization in accordance with Part TCO; and

(2.) The following requirements are met: (i) Part-OPS.GEN; (ii) for commercial air transport (CAT) operations Part-OPS.CAT excluding OPS.CAT.220.A if authorised by the state of the operator (iii) for commercial operations other than CAT, Part-OPS.COM; (iii) Part-FCL Annex III; (iv) OR.GEN. Section 2; OR.OPS.GEN; OR.OPS.MLR excluding OR.OPS.020.MLR; OR.OPS.FC. the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CS-FTL and OR.OPS.SEC (v) Part-M and (vi) Part-145

(3.) Compliance with the essential requirements and applicable

implementing rules may be demonstrated by applying the procedures contained in the operations manual of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, AUSTRIAN is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

2047

comment by: *AUSTRIAN Airlines*

**Relevant text:**

Wet-Lease In (b)(2) the following requirements are met:

(vi) Part-145

**Comment:**

Not every operator is Part-145 approved. An operator shall contract an approved Part-145 organization for maintaining their fleet. This is already covered via Part-M

**Proposal:**

Delete part (vi)

comment

2048

comment by: *AUSTRIAN Airlines*

**Comment:**

This paragraph does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing

**Proposal:**

Add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For

unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

comment 2344

comment by: KLM

**Relevant Text:**

WET LEASE-IN

- (b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:
- (1.) The lessor is an operator holding an authorization in accordance with Part TCO; and
  - (2.) The following requirements are met: (i) Part-OPS.GEN; (ii) for commercial air transport (CAT) operations Part-OPS.CAT excluding OPS.CAT.220.A if authorised by the state of the operator (iii) for commercial operations other than CAT, Part-OPS.COM; (iii) Part-FCL Annex III; (iv) OR.GEN. Section 2; OR.OPS.GEN; OR.OPS.MLR excluding OR.OPS.020.MLR; OR.OPS.FC. the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CS-FTL and OR.OPS.SEC (v) Part-M and (vi) Part-145
  - (3.) Compliance with the essential requirements and applicable implementing rules may be demonstrated by applying the procedures contained in the operations manual of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, KLM is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent

Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

2345

comment by: *KLM***Relevant text:**

Wet-Lease In (b)(2) the following requirements are met:

(vi) Part-145

**Comment:**

Not every operator is Part-145 approved. An operator shall contract an approved Part-145 organization for maintaining their fleet. This is already covered via Part-M

**Proposal:**

Delete part (vi)

comment

2346

comment by: *KLM***Comment:**

This paragraph does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing

**Proposal:**

Add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

comment

2518

comment by: *Deutsche Lufthansa AG***Relevant Text:**

WET LEASE-IN

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:

(1.) The lessor is an operator holding an authorization in accordance with Part TCO; and

(2.) The following requirements are met: (i) Part-OPS.GEN; (ii) for commercial air transport (CAT) operations Part-OPS.CAT excluding OPS.CAT.220.A if authorised by the state of the operator (iii) for commercial operations other than CAT, Part-OPS.COM; (iii) Part-FCL Annex III; (iv) OR.GEN. Section 2; OR.OPS.GEN; OR.OPS.MLR excluding OR.OPS.020.MLR; OR.OPS.FC. the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CS-FTL and OR.OPS.SEC (v) Part-M and (vi) Part-145

(3.) Compliance with the essential requirements and applicable implementing rules may be demonstrated by applying the procedures contained in the operations manual of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU

Legislator, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, Lufthansa is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

2519

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

Wet-Lease In (b)(2) the following requirements are met:

(vi) Part-145

**Comment:**

Not every operator is Part-145 approved. An operator shall contract an approved Part-145 organization for maintaining their fleet. This is already covered via Part-M

**Proposal:**

Delete part (vi)

comment

2520

comment by: *Deutsche Lufthansa AG*

**Comment:**

This paragraph does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing

**Proposal:**

Add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

- comment 2743 comment by: CAA CZ
- OR.OPS.030.AOC (b)(2):** We recommend to change the current wording "The following requirements are met" into "All safety standards equivalent to following requirements are met" and in item (b)(3) to replace the word "compliance" with "the required safety standards equivalence". The current wording is not fully in compliance with Regulation 1008/2008.
- comment 2744 comment by: CAA CZ
- OR.OPS.030.AOC:** According to the Regulation 1008/2008, prior approval shall also be required for safety reasons when a Community Air Carrier wet-leases in and dry-leases in/out an aircraft irrespective of whether the aircraft is registered or not in the Community.
- comment 2745 comment by: CAA CZ
- OR.OPS.030.AOC (b)(2)(ii):** The requirement of the provision OPS.CAT.220.A does not exist.
- comment 2785 comment by: ADAC Luftrettung GmbH
- 2009-02c, Subpart OPS, Section IV, OR.OPS.030.AOC Leasing (Seite 10 f.):**
- missverständliche Formulierung: während aus (a) und (b) eindeutig hervorgeht, dass diese Regelungen nur für Leasing zwischen einem Community Operator und einem Third Country Operator gelten, ist der Anwendungsbereich in (c) und (d) nicht klar angegeben.
- Generell zum Leasing: dieses Thema (insbesondere Dry Lease) ist derzeit nicht befriedigend und vor allem nicht einheitlich geregelt. Insbesondere ist nicht klar festgelegt (weder in der vorliegenden NPA, noch in der Verordnung 1008/2008), wie die Übertragung der Aufsicht zu erfolgen hat. Einige Mitgliedsstaaten verlangen hinsichtlich der Aufsichtsübertragung eine Umregistrierung und Eintragung des Luftfahrzeugs in das jeweilige nationale Register (was mit erheblichen Kosten verbunden ist), andere Mitgliedsstaaten bestehen dagegen auf dem Abschluss eines bilateralen Verwaltungsabkommens und wieder anderen Mitgliedsstaaten geben sich mit einer einfachen Übertragung durch Verwaltungsakt zufrieden. Hier wäre eine einheitliche Regelung im Hinblick auf die Rechts- und Planungssicherheit wünschenswert.
- In diesem Zusammenhang möchten wir auch darauf hinweisen, das die inzwischen aufgehobene Verordnung 2407/92 in Artikel 8 einige Erleichterungen beinhaltet hat, welche in der jetzigen Verordnung 1008/2008 nicht mehr enthalten sind (z.B. Ausnahme von der Umregistrierung, wenn dadurch bauliche Veränderungen am Luftfahrzeug nötig würden, wenn es sich um Leasingverträge mit kurzer Laufzeit oder zur Deckung eines kurzfristigen Bedarfs handelt oder unter sonstigen außergewöhnlichen Umständen). Wir regen diesbezüglich an, diese Erleichterungen wieder mit aufzunehmen.
- comment 2796 comment by: Virgin Atlantic Airways

**Relevant Text:**

## WET LEASE-IN

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:

(1.) The lessor is an operator holding an authorization in accordance with Part TCO; and

(2.) The following requirements are met: (i) Part-OPS.GEN; (ii) for commercial air transport (CAT) operations Part-OPS.CAT excluding OPS.CAT.220.A if authorised by the state of the operator (iii) for commercial operations other than CAT, Part-OPS.COM; (iii) Part-FCL Annex III; (iv) OR.GEN. Section 2; OR.OPS.GEN; OR.OPS.MLR excluding OR.OPS.020.MLR; OR.OPS.FC. the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CS-FTL and OR.OPS.SEC (v) Part-M and (vi) Part-145

(3.) Compliance with the essential requirements and applicable implementing rules may be demonstrated by applying the procedures contained in the operations manual of the lessor.

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the AEA is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

2818

comment by: *Irish Aviation Authority*

Any Lease-In (a):

**Comment:**

The phrase "Authorisation" is used in place of "Approve".

Third Country operators require a "third country operator authorisation" (Part TCO).

**Wet Lease-In:**

The requirements for Operators to wet lease-in third country aircraft is very onerous. Numerous regulations are required to be complied with. OR.OPS.025.FTL requires a Fatigue Risk Management System (FRMS) to be in place, guidance is needed from EASA/EU on the implementation of FMRS for Community operators.

There does not seem to be an equivalent to ACJ OPS 1.165(b)(2).

comment

2878

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:****WET LEASE-IN**

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:

(1.) The lessor is an operator holding an authorization in accordance with Part TCO; and

(2.) The following requirements are met: (i) Part-OPS.GEN; (ii) for commercial air transport (CAT) operations Part-OPS.CAT excluding OPS.CAT.220.A if authorised by the state of the operator (iii) for commercial operations other than CAT, Part-OPS.COM; (iii) Part-FCL Annex III; (iv) OR.GEN. Section 2; OR.OPS.GEN; OR.OPS.MLR excluding OR.OPS.020.MLR; OR.OPS.FC. the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CS-FTL and OR.OPS.SEC (v) Part-M and (vi) Part-145

(3.) Compliance with the essential requirements and applicable implementing rules may be demonstrated by applying the procedures contained in the operations manual of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the AEA is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which

requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

2879

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

Wet-Lease In (b)(2) the following requirements are met:

(vi) Part-145

**Comment:**

Not every operator is Part-145 approved. An operator shall contract an approved Part-145 organization for maintaining their fleet. This is already covered via Part-M

**Proposal:**

Delete part (vi)

comment

2880

comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:**

This paragraph does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing

**Proposal:**

Add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

comment

3059

comment by: *ERA*

**[European Regions Airline Association Comment](#)**

- This does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing
- Therefore, add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

Reference:

## WET LEASE-IN

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the we is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

Therefore, re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore, para (b) should be replaced with:

**Wet Lease In:**

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

3127

comment by: DGAC

## ANY LEASE-IN

What is the practical difference between the two types of lease-in agreement described in (a):

- o «used by an operator for which any Member State ensures oversight of operations” and
- o “ used into, within or out of the Community by an operator certified in accordance with this section (Community operator)”

comment

3129

comment by: DGAC

## WET LEASE-IN

The use of two sets of requirements (ICAO Annex 6 through TCO authorisation + ER&IROPS) may be burdensome with no added safety benefit. Conformity to

ER&IR-OPS should imply conformity with ICAO Annex 6 and therefore TCO authorisation should not be mandatory in the case wet lease-in

comment 3131 comment by: DGAC

WET LEASE-IN

What is the duration for the authorisation issued by the authority? EASA should develop provisions for duration, suspension, etc... of such authorisation.

comment 3133 comment by: DGAC

EASA should develop means to help the authority in assessing the conformity to (b)(2) and (b)(3), such as audit check-lists.

**(b)(2)** : "excluding OPS.CAT.220.A if authorised by the state of the operator"  
: there is no such § OPS.CAT.220.A in Part OPS...

comment 3134 comment by: DGAC

DRY LEASE-OUT

(d)(1) :

**Proposal** : amend the text as follows :

"(1) the competent authority has transferred its responsibilities for oversight of operations ~~and maintenance~~ to the competent authority of the lessee **and an arrangement has been concluded that establishes the share of responsibility for the maintenance**"

**Justification** : In case no ICAO 83 bis arrangement has been concluded between the authority of the lessor and the authority of the lessee, the responsibility for the maintenance of the aircraft remains within the authority of the state of registry.

comment 3334 comment by: Ryanair

The proposal does not appear to take account of wet lease-in from a Community operator (including at short notice/immediate requirement)

(b)(1) - Reference to Part TCO must be removed pending the publication of an NPA to address third country operators - in the interim we reserve our position

Paragraph (B) requires a full review (perhaps in the context of Part TCO). It is difficult to see how an operator could wet lease in from a third country operator in accordance with the current proposed requirements of OR.OPS.030.AOC.

comment 3348 comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Comment**

This is not acceptable to comment on leasing without knowing Part-TCO content as the text mentions it directly.

**Proposal**

There must a possibility to comment Part TCO and NPA 2009-02 at the same

time.

**Justification**

Justification is obvious, as we are not aware of Part TCO, we cannot decide if this article is uncertain or advantageous.

comment 3349 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

Wet-leasing is usually a short-term solution due to operational constraints, approval by NAAs would more fit to operators needs, as EASA may not be able to deal with short-term issues.

**Proposal**

Regulation 1008/2008 must be taken into account and especially Article 13 "Community air carriers may freely operate wetleased aircraft registered within the Community except wherethis would lead to endangering safety". This regulation allows more flexibility which is not the case with EASA requirements that would make wet-leasing for non-EU operators almost impossible.

**Justification**

Obvious

comment 3350 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

Requirement for Part TCO does not match with regulation 1008/2008 and its article 13 as we are speaking of "equivalent level of safety" and not "identical safety requirements".

**Proposal**

Regulation 1008/2008 must be taken into account and especially Article 13 "Community air carriers may freely operate wetleased aircraft registered within the Community except wherethis would lead to endangering safety". This regulation allows more flexibility which is not the case with EASA requirements that would make wet-leasing for non-EU operators almost impossible.

**Justification**

obvious

comment 3362 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Paragraph text:**

ANY LEASE IN

(a) Without prejudice to Regulation 1008/2008, any lease in agreement for aircraft registered in a third country and used by an operator for which any Member Stateensures oversight of operations or used into, within or out of the Community by an operator certified in accordance with this section (Community operator) shall be subject to prior authorisation of the competent authority.

**Comment:**

According to regulation (EC) 1008/2008 a lease-in agreement needs prior

approval in accordance with applicable community legislation or national rules concerning flight safety. According to annex III to regulation (EEC) 3922/91 (EU-OPS) lease in of aircraft with crew needs prior approval from the competent authority of the Lessee.

**Proposal:**

Include a requirement for community operators to inform their competent authority about the lease agreement

comment

3467

comment by: IATA

**WET LEASE IN**

**(b) To obtain the authorisation as referred to in**

**(a) above for the wet lease in**

**of an aircraft registered in a third country, an operator for which a Member States ensures oversight of operations, shall demonstrate to the competent authority that:**

**(1) The lessor is an operator holding an authorisation in accordance with**

**Part TCO**

**A comment is only possible after the publication of the TCO;**

comment

3524

comment by: Civil Aviation Authority Finland

*Comment and proposal to OR.OPS.030.AOC (a):*

When the paragraph (a) is talking only of lease in agreements for aircraft registered in a third country, but Regulation (EC) No 1008/2008 Article 13 paragraph 2 requires prior approval for any dry lease agreement to which a Community air carrier is a party, for the clarity there should be given in OR.OPS.030.AOC also requirements for DRY LEASE-IN prior approval and transferring the responsibilities of oversight to the Authority of the lessee, entering the aircraft into the AOC of the lessee and the approved maintenance programme.

*Justification:*

For the clarity and to help finding the requirements.

comment

3533

comment by: KLM Cityhopper

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the we is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety

rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment

3538

comment by: *KLM Cityhopper*

**Comment:**

This paragraph does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing

**Proposal:**

Add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

comment

3623

comment by: *TNT Airways*

**Comment:**

According to 1008/2008 art 13.2, wet lease-in is subject to prior approval. There is no clear statement about the requirements to get approval for wet lease-in between Community Member State. As all Member State are working on the same rule, the approval should not be subject to local appreciation of the national authority about what has to be done to get the approval. Every carrier of the Community is working against the same standards. The approval process should be simple and the same for every Community Member carriers and states.

comment

3624

comment by: *TNT Airways*

**Comment:**

This paragraph does not cover for the wet lease at short notice in case of unforeseen, urgent and immediate need for a replacement aircraft.

**Proposal:**

Review the text to add criterias as it was published in JAA TGL 44 AMC 1.165 with the exception that the criteria about the FTL in this AMC were not practical and realistic.

e.g. : Community Member States have their own deviations granted under subpart Q and controlled by national CAA to ensure the required level of safety is ensured. It is not realistic to require that the lessor FTL have to be applied if the lessee's one are more permissive. We speak here about unforeseen replacement of aircraft limited in time...

comment 3679

comment by: AIR FRANCE

The NPA TCO is not available, it is therefore difficult to give comments on that part of the proposed text. Wet-leasing is mostly required at short notice to cover for short-term needs, approval by NAAs is then more practical.

The NPA text impose the full implementing rules provisions on wet—lease. This will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc). This seems to be in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety. It will reduce the access of EU airlines to wet-lease capacity

Proposal:

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008) which refer to equivalent safety rather than identical safety rules.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment 3680

comment by: AIR FRANCE

Relevant text:

Wet-Lease In (b)(2) the following requirements are met:

(vi) Part-145

Comment:

Not every operator is Part-145 approved. An operator shall contract an approved Part-145 organization for maintaining their fleet. This is already covered via Part-M#

Proposal: Delete part (vi)

comment 3683

comment by: ECA - European Cockpit Association

Comment: reintroduce OR.OPS.020.MLR requirement.

Justification:

Any operator must have an approved MEL, even if it is the manufacturer's MMEL.

comment 3696

comment by: Icelandair

**Relevant Text:**

WET LEASE-IN

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member

State ensure oversight of operations, shall demonstrate to the competent Authority that:

(1.) The lessor is an operator holding an authorization in accordance with Part TCO; and

(2.) The following requirements are met: (i) Part-OPS.GEN; (ii) for commercial air transport (CAT) operations Part-OPS.CAT excluding OPS.CAT.220.A if authorised by the state of the operator (iii) for commercial operations other than CAT, Part-OPS.COM; (iii) Part-FCL Annex III; (iv) OR.GEN. Section 2; OR.OPS.GEN; OR.OPS.MLR excluding OR.OPS.020.MLR; OR.OPS.FC. the cabin crew medical and training requirements of OR.OPS.CC, OR.OPS.TC, OR.OPS.FTL including related CS-FTL and OR.OPS.SEC (v) Part-M and (vi) Part-145

(3.) Compliance with the essential requirements and applicable implementing rules may be demonstrated by applying the procedures contained in the operations manual of the lessor

**Comment:**

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA). Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs,, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the AEA is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines de-facto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

**Proposal:**

Re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

comment 3697

comment by: *Icelandair*

**Comment:**

This paragraph does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing

**Proposal:**

Add a paragraph to cover short-term wet-leasing needs (up to 2 months). 'For

unforeseen urgent operational circumstances or operational needs of limited duration, the Competent Authority may grant authorization for wet-leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

comment 3784 comment by: *IACA International Air Carrier Association*

(b)(2) and (3)

Can foreign operators comply with the IR without complying with the AMCs ?  
How can this be demonstrated ?

Replace "The following requirements are met:" by "An equivalent level of safety is shown for the following requirements:"

Delete "(vi) Part-145". Justification: How can EASA request compliance with Part-145 from a foreign operator when it is not required from an EU operator ? Only maintenance organisations can comply with Part-145.

Reference to OPS.CAT.220.A is void.

comment 3952 comment by: *ANE (Air Nostrum) OPS QM*

- This does not cover for the short-time wet-leasing needs of many EU airlines. This needs to be added and to avoid a situation where Competent Authorities refuse wet-leasing outside Europe through referring to OR.OPS.030.AOC Leasing
- Therefore, add a paragraph to cover short-term wet leasing arrangements of limited duration provided that safety is not adversely affected. This does not imply a need for the lessor to comply with the EASA Implementing Rules'

Reference:

WET LEASE-IN

(b) To obtain the authorisation as referred to in (a) above for wet lease-in of an aircraft registered in a third country, an operator for which a Member State ensure oversight of operations, shall demonstrate to the competent Authority that:

The requirement for TCO approval is not in line the EU Third Package Legislation (Regulation (EC) 1008/2008), as recently adopted by the EU Legislator,, which refers to approval by the National Aviation Authority (not EASA).

Taking into account the fact that wet-leasing is mostly required at short notice to cover for short-term needs, approval by NAAs is more practical (EASA is not equipped to deal with short-term needs/ operational approvals). In addition, the we is concerned about the level of fees that EASA will impose for such approvals under the TCO.

In addition, the EASA rulemaking proposal imposing the full implementing rules provisions on wet—lease (para (b) (2) and (3)) will make wet-leasing from non-EU airlines defacto impossible (due to different regulatory environment etc) even from countries with similar safety levels such as the USA, Canada, etc. This is also in contradiction the EU Third Package Legislation (Regulation (EC) 1008/2008), which refers to equivalent level of safety (not identical

safety rules). There is no safety justification for those additional restrictions imposed by EASA whereas it will reduce the access of EU airlines to wet-lease capacity. This is unacceptable.

Therefore, re-align the wet-lease requirements with the provisions recently agreed by the EU legislator under the third package (Regulation (EC) 1008/2008, Article 13) which refer to equivalent safety rather than identical safety rules and which requires NAA approval instead of approval by EASA.

Therefore, para (b) should be replaced with:

Wet Lease In:

A community air carrier wet leasing aircraft registered in a third country from another undertaking, shall obtain prior approval for the operation from the competent licensing Authority. The Competent Authority may grant approval if the community air carrier demonstrates to the satisfaction of the competent Authority that all safety standards equivalent to those imposed by Community or national law are met.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.035.AOC  
Code share arrangements**

p. 11

comment

635

comment by: AEA

**Relevant Text:**

(b) To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with PartTCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

**Comment:**

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

**Proposal:**

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment

642

comment by: AEA

**Relevant Text:**

(b)(2) ... Onsite audits shall be conducted at least every 24 months

**Comment:**

It seems excessive to put this requirement into the hard-law (implementing rules). This could lead to problems (need to ask for a formal exemption from EU law) to continue code-share arrangement if the audit is delayed and is not done after the 24 month period. This proposal is contrary to EASA's performance based rule making concept.

**Proposal:**

The requirement specifying the time-frame for on-sight audits should be put into AMC (soft law) and it should recognize the IATA IOSA system (in-stead of on-sight audits by the community operator) in order to avoid an inflation of audits

comment

643

comment by: AEA

**Relevant Text:**

The Community operator conducts an initial audit... at least every 24 months

**Comment:**

In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way: 1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2)

2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient

**Proposal:**

Move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits

comment

644

comment by: AEA

**Relevant Text:**

(b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation

**Comment:**

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to AEA. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

**Proposal:**

Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment

645

comment by: AEA

**Comment:**

EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA

EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. The AEA notes that the EASA Management Board has expressed similar concerns on those new requirements.

**Proposal:**

Realign with EU-OPS and reconsider the reference to code-share arrangements

comment 646

comment by: AEA

**Relevant Text:**

*(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent Authority*

**Comment:**

This should only apply when an Community operator puts its code on a third country operator flight but not in the opposite way

**Proposal:**

Add after any code share arrangement 'where a community operator wishes to put its code on a third country operator flight'

comment

1256

comment by: UK CAA

**Page No:** 11

**Paragraph No:** OR.OPS 035 AOC (c)

**Comment:** There should be a definition of Level 1 and Level 2 findings that applies to this provision

**Justification:** Clarity

comment

1463

comment by: BRITISH AIRWAY

**British Airways Response to EASA NPA - O R.OPS.035.AOC Codeshare arrangements.**

British Airways is currently considering its position on the EASA NPA on OPS.

I would like to deal with the British Airways response to the specific part of the NPA - OR.OPS.035.AOC Codeshare arrangements.

"OR.OPS.035.AOC Code share arrangements

(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent authority.

***BA Comment: In principle this appears a reasonable position.***

(b) To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with Part

TCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

**BA Comment: If we understand this correctly then EASA is requiring non-EU operators (ie. EASA Part 129 Operators) to conform with the EASA Basic Regulation. We therefore assume that this would then include issues such as FTL and Cabin Crew Attestation which would set a very bad precedent for all EU operators, since the affected State (say the USA FAA), would doubtless then require the same in return. [NOTE: The USA and EU FTL schemes are not compatible!]**

**BA Comment: We should also seek to minimize any additional auditing requirement by pushing for EASA to accept the IATA IOSA audit programme to meet the regulatory requirement (this may not be possible since EASA will argue it is an airlines individual responsibility, but EASA does put credence behind IOSA and this would be a useful benefit both to operators and to the regulator).**

**BA Comment: In principle the audit activity requirement appears a reasonable position, however it needs to be clear whether "any codeshare" includes alliances and franchises. If we assume that is the case, how does EASA propose to deal with a global alliance such as oneworld, which contains a number of Community operators. This rule implies that all the Community operators [British Airways, Iberia, Finnair and Malev], would need to all independently audit all the third country operators in the group that they codeshare with. The third country operator would therefore be audited by each airline to the same standard within the EASA requirement (each providing a report to EASA as required below), audited by their own regulatory authority and audited to IATA IOSA standards. We should also seek to minimize any additional auditing requirement by pushing for EASA to accept the IATA IOSA audit programme to also meet the regulatory requirement (EASA has already put credence behind IOSA and this would be a useful benefit both to operators and to the regulator and deliver the principle in this proposal.**

**BA Comment: The different regulatory requirements in other countries do not make it easy to measure standards directly against the Basic Regulation, however the IATA IOSA audit is internationally recognized and will deliver an "equivalent" level of compliance with the Basic Regulation as far as safety is concerned.**

(c) The audits, including any findings shall be recorded. Level 1 findings shall be closed before entering in or continuing a code share agreement, level 2 findings within 12 months of the audit. The Community operator shall submit the audit report including findings and their closure to the competent authority. All audit reports shall be kept for at least 5 years."

**BA Comment: This proposal may be detrimental to safety and safety oversight and have an adverse effect to that intended. BA could raise a Level 1 finding against one of our codeshares in the EU (i.e. a**

*Community operator) and there is nothing to stop it flying or us codesharing with that operator. However BA could raise the same Level 1 finding against the third country codeshare operator and as result have to cease our codeshare operations immediately until the item is closed. This proves that it cannot be safety driven and it is likely that auditors will be under pressure and likely to downgrade findings when possible rather than upgrade findings to Level 1 when possible as such action would prevent codeshare operations. In fact any Community operator could audit itself and have a Level 1 finding yet continue to fly [BA current rules would allow this for up to 7 days depending on severity], but our codeshare partner would not allowed to do so as a codeshare!*

*BA Comment: What happens in the event that one of the other Community operators codesharing with the same third country operator as BA, conducts an audit and uncovers a Level 1 finding? This would mean that they would have to stop the codeshare, but BA would continue as it would not be aware until the report and closure progressed through EASA.*

*BA Comment: A Level 2 finding should not remain open for a period as long as 12 months.*

In general British Airways have found it difficult to understand what safety benefit is added to codeshare operations by this rule. Where mutual recognition is in the bilateral we should not require any additional requirements to be imposed by EASA as they just add cost and do not improve safety.

British Airways propose a revised version of OR.OPS.035.AOC Codeshare arrangements as below:

**OR.OPS.035.AOC Code share arrangements – BA Proposal.**

(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent authority.

(b) To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with Part TCO.

(2) The Community operator conducts an initial safety audit and for the duration of the code share arrangement conducts safety oversight of the third country operator to ensure the safety standards maintained by that operator in conducting its operations are equivalent to those required by IOSA standards. Safety oversight shall be conducted at least once every 12 months.

(b) The Community operator shall submit details of their safety oversight policies to the competent authority. The safety oversight activity or any safety audits conducted, including any findings shall be recorded. Level 1 findings shall be closed before entering in a code share agreement, level 2 findings within 2 months of any audit. The Community operator shall at the request of the competent authority submit the details of the safety oversight conducted and

any audit reports, including findings and their closure to the competent authority. All audit reports shall be kept for at least 5 years."

Rod Young  
Head of Aviation Safety  
British Airways.

comment 1493

comment by: TAP Portugal

**Relevant Text:**

(b)To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with PartTCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

**Comment:**

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

**Proposal:**

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment 1494

comment by: TAP Portugal

**Relevant Text:**

(b)(2) ... Onsite audits shall be conducted at least every 24 months

**Comment:**

It seems excessive to put this requirement into the hard-law (implementing rules). This could lead to problems (need to ask for a formal exemption from EU law) to continue code-share arrangement if the audit is delayed and is not done after the 24 month period. This proposal is contrary to EASA's performance based rule making concept.

**Proposal:**

The requirement specifying the time-frame for on-sight audits should be put into AMC (soft law) and it should recognize the IATA IOSA system (in-stead of on-sight audits by the community operator) in order to avoid an inflation of audits

comment 1495

comment by: TAP Portugal

**Relevant Text:**

(b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation

**Comment:**

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to AEA. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

**Proposal:**

Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment

1496

comment by: TAP Portugal

**Comment:**

EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA

EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. The AEA notes that the EASA Management Board has expressed similar concerns on those new requirements.

**Proposal:**

Realign with EU-OPS and reconsider the reference to code-share arrangements

comment

1497

comment by: TAP Portugal

**Relevant Text:**

*(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent Authority*

**Comment:**

This should only apply when an Community operator puts its code on a third country operator flight but not in the opposite way

**Proposal:**

Add after any code share arrangement 'where a community operator wishes to put its code on a third country operator flight'

comment

1498

comment by: TAP Portugal

**Relevant Text:**

The Community operator conducts an initial audit... at least every 24 months

**Comment:**

In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way: 1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2)

2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient

**Proposal:**

Move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits

comment

1606

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**p. 11 OR.OPS.035.AOC Code share arrangements  
(b)  
(2)**

**p. 71 AM C OR.OP S.035.AOC Code s hare arrangements REGULAR  
AUDITS**

- 1.
- 2.

**Proposal:**

EASA should follow the FAA example and recognise IOSA Registry as an acceptable means of compliance.

comment

1844

comment by: *Boeing*

**NPA 2009-02c, Part OR (Subpart OPS)**  
*OR.OPS.035.AOC, Code share arrangements*  
*Para (b)(1) and (b)(2)*  
*Page 11 of 136*

**BOEING COMMENT:**

The requirement for a non-community operator to hold an EASA authorization and be subject to audits confirming this is inconsistent with global rules, especially associated with code sharing.

**JUSTIFICATION:** This proposed requirement is beyond EASA's control and is above ICAO requirements, while the EASA NPA on Third Country Operators is not yet published. The proposed code share arrangement requirements are costly, inefficient, and have no safety justification.

comment

1897

comment by: *Walter Gessky*

**1. OR.OPS.035.AOC Code share arrangements  
Shall be deleted.**

Justification:

Art 4.1(c) was agreed on the assumption that this covers "leasing agreements" and not "code sharing agreements. No mandate for the COM in the basic regulation to regulate code share in this IR, because this is also not regulated in EU-OPS.

comment

2049

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(b)To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with PartTCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

**Comment:**

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

**Proposal:**

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment

2050

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(b)(2) ... Onsite audits shall be conducted at least every 24 months

**Comment:**

It seems excessive to put this requirement into the hard-law (implementing rules). This could lead to problems (need to ask for a formal exemption from EU law) to continue code-share arrangement if the audit is delayed and is not done after the 24 month period. This proposal is contrary to EASA's performance based rule making concept.

**Proposal:**

The requirement specifying the time-frame for on-sight audits should be put into AMC (soft law) and it should recognize the IATA IOSA system (in-stead of on-sight audits by the community operator) in order to avoid an inflation of audits

comment

2051

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

The Community operator conducts an initial audit... at least every 24 months

**Comment:**

In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way: 1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2)

2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient

**Proposal:**

Move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits

comment 2052 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation

**Comment:**

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to AUSTRIAN. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

**Proposal:**

Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment 2053 comment by: *AUSTRIAN Airlines*

**Comment:**

EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA

EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. AUSTRIAN notes that the EASA Management Board has expressed similar concerns on those new requirements.

**Proposal:**

Realign with EU-OPS and reconsider the reference to code-share arrangements

comment 2054 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

*(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent Authority*

**Comment:**

This should only apply when an Community operator puts its code on a third country operator flight but not in the opposite way

**Proposal:**

Add after any code share arrangement 'where a community operator wishes to put its code on a third country operator flight'

comment 2347 comment by: *KLM*

**Relevant Text:**

(b)To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with PartTCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

**Comment:**

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

**Proposal:**

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment

2348

comment by: KLM

**Relevant Text:**

(b)(2) ... Onsite audits shall be conducted at least every 24 months

**Comment:**

It seems excessive to put this requirement into the hard-law (implementing rules). This could lead to problems (need to ask for a formal exemption from EU law) to continue code-share arrangement if the audit is delayed and is not done after the 24 month period. This proposal is contrary to EASA's performance based rule making concept.

**Proposal:**

The requirement specifying the time-frame for on-sight audits should be put into AMC (soft law) and it should recognize the IATA IOSA system (in-stead of on-sight audits by the community operator) in order to avoid an inflation of audits

comment

2349

comment by: KLM

**Relevant Text:**

The Community operator conducts an initial audit... at least every 24 months

**Comment:**

In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way: 1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2)

2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient

**Proposal:**

Move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits

comment

2350

comment by: KLM

**Relevant Text:**

(b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation

**Comment:**

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to AEA. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

**Proposal:**

Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment

2351

comment by: KLM

**Comment:**

EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA

EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. The AEA notes that the EASA Management Board has expressed similar concerns on those new requirements.

**Proposal:**

Realign with EU-OPS and reconsider the reference to code-share arrangements

comment

2352

comment by: KLM

**Relevant Text:**

*(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent Authority*

**Comment:**

This should only apply when an Community operator puts its code on a third country operator flight but not in the opposite way

**Proposal:**

Add after any code share arrangement 'where a community operator wishes to put its code on a third country operator flight'

comment

2501

comment by: British Airways Flight Operations

**Relevant Text:**

(b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation

**Comment:**

This requirement, if implemented, would make code-sharing with most non-EU airlines a *de facto* impossibility, owing to different regulatory environments in other states (eg the USA). This proposal has no safety justification and is completely unacceptable to British Airways. It is one of the most contentious measures which EASA has introduced in NPA 2009-2 and demonstrates just how far the Agency's views have diverged from common practice. It also goes beyond the mandate which was given to EASA by the EU legislator.

EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing this new requirement into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA. EASA's reference to the Basic Regulation is flawed and based on a subjective interpretation of EU

law which is not in line with the intentions of the EU legislator. The AEA notes that the EASA Management Board has expressed similar concerns on those new requirements.

**Proposal:**

Delete this proposal *in toto*.

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment 2521

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(b)To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with PartTCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

**Comment:**

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

**Proposal:**

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment 2522

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(b)(2) ... Onsite audits shall be conducted at least every 24 months

**Comment:**

It seems excessive to put this requirement into the hard-law (implementing rules). This could lead to problems (need to ask for a formal exemption from EU law) to continue code-share arrangement if the audit is delayed and is not done after the 24 month period. This proposal is contrary to EASA's performance based rule making concept.

**Proposal:**

The requirement specifying the time-frame for on-sight audits should be put into AMC (soft law) and it should recognize the IATA IOSA system (in-stead of on-sight audits by the community operator) in order to avoid an inflation of audits

comment	2523	comment by: <i>Deutsche Lufthansa AG</i>
<p><b>Relevant Text:</b> The Community operator conducts an initial audit... at least every 24 months</p> <p><b>Comment:</b> In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way: 1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2) 2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient</p> <p><b>Proposal:</b> Move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits</p>		
comment	2524	comment by: <i>Deutsche Lufthansa AG</i>
<p><b>Relevant Text:</b> (b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation</p> <p><b>Comment:</b> This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to Lufthansa. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share</p> <p><b>Proposal:</b> Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'</p>		
comment	2525	comment by: <i>Deutsche Lufthansa AG</i>
<p><b>Comment:</b> EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. Lufthansa notes that the EASA Management Board has expressed similar concerns on those new requirements.</p> <p><b>Proposal:</b> Realign with EU-OPS and reconsider the reference to code-share arrangements</p>		
comment	2526	comment by: <i>Deutsche Lufthansa AG</i>
<p><b>Relevant Text:</b> (a) <i>Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent Authority</i></p> <p><b>Comment:</b> This should only apply when an Community operator puts its code on a third</p>		

country operator flight but not in the opposite way

**Proposal:**

Add after any code share arrangement 'where a community operator wishes to put its code on a third country operator flight'

comment

2787

comment by: *Department for Transport UK*

General

An aircraft of the code share partner of a community operator is not being 'used' by the community operator as intended under Article 4 of the Basic Regulation. As they are not being used by the community operator, they are not in scope of the Regulation unless they are flying to the Community and are covered by the requirements on third-country operators.

Paragraph (b)(1)

Code share agreements may be entered into with operators which do not operate to the EU. Such operators do not come within the scope of Article 4 of the Basic Regulation and therefore will not hold and should not be required to hold an authorisation under Part-TCO.

Proposed text for OR.OPS.AOC.035(b)(1): The third country operator holds an authorisation in accordance with Part TCO if it operates services into the Community.

Paragraph (b)(2)

The audit requirements are disproportionate and could lead excessive intra airline auditing which will have no safety benefits. While the AMC states that the internationally recognised 3<sup>rd</sup> party audits may be used this does not tie up with the rule which states that the Community operator must conduct the audit. Again the AMC material states the pooling of audits between Community Operators is acceptable but this is not in line with the requirements of the rule. The AMC also states that where audits are pooled Community operators should still conduct an audit every 24 months. This would still lead to excessive auditing where more than two Community operators code share with a third country operator.

Proposed text for OR.OPS.AOC.035(b)(2): The Community operator shall ensure that an appropriate audit of the third country operator is conducted before the commencement of the code share arrangement and regularly thereafter for the duration of the arrangement. The purpose of the audit is to ensure compliance .....

comment

2797

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(b)To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with PartTCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least

once every 24 months.

**Comment:**

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

**Proposal:**

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment

2798

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation

**Comment:**

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (e.g. US airlines). It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

**Proposal:**

Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment

2799

comment by: *Virgin Atlantic Airways*

**Comment:**

EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA.

EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator.

**Proposal:**

Realign with EU-OPS and reconsider the reference to code-share arrangements

comment

2800

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent Authority

**Comment:**

This should only apply when an Community operator puts its code on a third country operator flight but not in the opposite way

**Proposal:**

Add after any code share arrangement 'where a community operator wishes to put its code on a third country operator flight'

comment

2881

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(b)To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with PartTCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

**Comment:**

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

**Proposal:**

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment

2882

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(b)(2) ... Onsite audits shall be conducted at least every 24 months

**Comment:**

It seems excessive to put this requirement into the hard-law (implementing rules). This could lead to problems (need to ask for a formal exemption from EU law) to continue code-share arrangement if the audit is delayed and is not done after the 24 month period. This proposal is contrary to EASA's performance based rule making concept.

**Proposal:**

The requirement specifying the time-frame for on-sight audits should be put into AMC (soft law) and it should recognize the IATA IOSA system (in-stead of on-sight audits by the community operator) in order to avoid an inflation of audits

comment 2883 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

The Community operator conducts an initial audit... at least every 24 months

**Comment:**

In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way: 1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2)

2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient

**Proposal:**

Move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits

comment 2884 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation

**Comment:**

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to AEA. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

**Proposal:**

Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment 2885 comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:**

EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA

EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. The AEA notes that the EASA Management Board has expressed similar concerns on those new requirements.

**Proposal:**

Realign with EU-OPS and reconsider the reference to code-share arrangements

comment 2886 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

*(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent Authority*

**Comment:**

This should only apply when an Community operator puts its code on a third country operator flight but not in the opposite way

**Proposal:**

Add after any code share arrangement 'where a community operator wishes to put its code on a third country operator flight'

comment 3064

comment by: ERA

**European Regions Airline Association Comment**

- EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA
- EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. We note that the EASA Management Board has expressed similar concerns on those new requirements.

Therefore, re-align with EU-OPS and reconsider the reference to code-share arrangements.

- Reference: '(b) To obtain.....that:(1) The third country operator holds an authorisation in accordance with Part TCO. (2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an increase of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

Therefore, delete (b) (1) and amend (b)(2) to make reference to IOSA audits.

- Reference: '(2) The Community operator conducts an initial onsite audit.....at least once every 24 months.'

In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way:

1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2)

2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient

Therefore, move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits

- Reference: '(2) ....ensure compliance of the third country operator with the essential requirements of the Basic Regulation.....'

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to airlines. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

Therefore, delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment

3136

comment by: DGAC

Many countries such as France consider that compliance with IOSA standards is satisfactory for code share as it is a proof of conformity to ICAO standards. Is IOSA certification enough to prove both the conformity to TCO standard and to ER-OPS ?

comment

3138

comment by: DGAC

What is the level expected to obtain a TCO authorisation ?

As a general comment, we would say that it is kind of difficult to comment on OR.OPS.030.AOC Leasing and OR.OPS.035.AOC Code share arrangements without any clue on what NPA TCO will be.

comment

3309

comment by: Association of Asia Pacific Airlines

Comments hereafter address OR.OPS.035.AOC Code Share arrangements para (a), (b), and (c)

This regulatory proposal goes beyond standard international regulatory practice and does not look towards harmonisation of international regulatory requirements.

It is understood EASA plans to introduce for consultation a NPA for Third Country Operators which is a proposed authorization for Non EU carriers to operate to Europe. We therefore consider this requirement for Code Share operations cannot be addressed until the respective NPA for TCO is made available for comment.

In addition the current wording proposed requires Non EU carriers who do not operate to the EU but have a code share agreement with an EU carrier are required to hold a CO approval and the imposition of an audit on a bi-annual basis.

This proposal is extraterritorial and does not promote harmonisation with other regulatory code share requirements in fact it introduces a divergence in

international harmonisation and requirements.

With regard to bi-annual audits the majority of the world's carriers are IOSA compliant. The FAA have recognised the benefit of IOSA and have waived audit requirements for code share agreements with US carriers for those carriers who are IOSA approved.

We strongly propose  
Delete (b) (1)

Revise (b) (2) - identify IOSA registration and audits are an acceptable alternative means of compliance

comment 3351 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

This is not acceptable to comment on code-share arrangements without knowing Part-TCO content as the text mentions it directly.

**Proposal**

There must a possibility to comment Part TCO and NPA 2009-02 at the same time.

**Justification**

Justification is obvious, as we are not aware of Part TCO, we cannot decide if this article is uncertain or advantageous.

comment 3353 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

Most code-share agreements are with airlines not flying within EU, part TCO will lead to too many constraints. Moreover code share was not part of EU-OPS and EASA did not make any RIA on this issue.

**Proposal**

IATA IOSA certification and ICAO standards should be sufficient and substitutes to Part TCO for code share agreements.

**Justification**

obvious

comment 3354 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The proposal for audits conducted at least every 24 months is too rigid. This will lead to cost increment for operators. IOSA audits should be sufficient for guaranting safety level.

**Proposal**

IATA IOSA certification and ICAO standards should be sufficient and substitutes to Part TCO for code share agreements.

**Justification**

obvious

comment 3355 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

Insuring compliance of third country operator with essential requirements of the Basic Regulation will make code-sharing impossible. There are very different regulations regarding countries that have equivalent level of safety with Europe without complying with Basic Regulation 216/2008.

**Proposal**

Once again IATA IOSA and ICAO standards should be sufficient for code share agreements. The reference to "essential requirements" should be deleted.

**Justification**

obvious

comment 3472 comment by: *IATA*

Attachment [#2](#)

**(b) To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:**

**(1) The third country operator holds an authorisation in accordance with Part TCO.**

**(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.**

**1. A comment is only possible after the publication of the TCO;**

IATA nevertheless is addressing its concern about potential EASA initiatives to add further requirements to the ICAO Annex 6 Amendment 32 and to develop uncoordinated auditing schemes for Third Country Operators. See IATA position paper attached.

**2. There is no safety reason apparent why the audits must be conducted by the operator only.**

**Proposal:**

**(2) The Community operator "or another organisation (e.g. an audit pooling system) agreed by the competent authority" conducts .....**

comment 3534 comment by: *KLM Cityhopper*

**Comment:**

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their

own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

**Proposal:**

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment

3535

comment by: *KLM Cityhopper*

**Comment:**

In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way: 1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2)

2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient

**Proposal:**

Move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits

comment

3536

comment by: *KLM Cityhopper*

**Comment:**

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to airlines. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

**Proposal:**

Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment

3537

comment by: *KLM Cityhopper*

**Comment:**

EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA

EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. We note that the EASA Management Board has expressed similar concerns on those new requirements.

**Proposal:**

Realign with EU-OPS and reconsider the reference to code-share arrangements

comment

3630

comment by: *TNT Airways*

(b)(2)

**Comment**

This requirement goes too far.

This will make code-sharing with most non-EU airlines de-facto impossible

due to different regulatory environments (e.g. US airlines). This has no safety justification. ICAO standards or equivalent should be sufficient to authorize a code-share.

**Proposal**

Delete the reference to the essential requirements of the basic regulation and replace it with 'safety standards equivalent to those imposed by the Community'

comment 3682

comment by: AIR FRANCE

Relevant Text:

(b)To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an authorisation in accordance with part TCO.

(2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

Comment:

The TCO approval raise the point of code-share partners which do not fly to the EU. It is also unclear what are the requirements of part TCO as the related NPA is not yet available. Therefore it seems a lot to require TCO approval in addition to imposing compliance with the essential requirements as established by an audit performed by a community operator. The IATA IOSA system should be considered as an audit system sufficient to authorize code-share arrangements.

The principle of IOSA avoid an inflation of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

Proposal:

Delete (b) (1)

For (b)(2) make reference to IOSA audits.

comment 3685

comment by: AIR FRANCE

Relevant Text:

(b)(2) ... Onsite audits shall be conducted at least every 24 months

Comment:

Such a requirement into the hard-law (implementing rules) could lead to problems (need to ask for a formal exemption from EU law) to continue code-share arrangement if the audit is delayed and is not done after the 24 month period.

Proposal:

The requirement specifying the time-frame for on-sight audits should be put into AMC (soft law) and it should recognize the IATA IOSA system (in-stead of on-sight audits by the community operator) in order to avoid an inflation of audits

comment

3687

comment by: *AIR FRANCE*

Relevant Text:

(b)(2).. to ensure compliance with of the third country operator with the essential requirements of the Basic Regulation

Comment:

This will make code-sharing with most non-EU airlines de-facto impossible due to different regulatory environments (f.e. US airlines). This obviously would lead to tremendous problems with no safety justification as it would preclude what is done since several years. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

Proposal:

Delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

comment

3698

comment by: *Icelandair***Relevant Text:**

(b)(2) ... Onsite audits shall be conducted at least every 24 months

**Comment:**

It seems excessive to put this requirement into the hard-law (implementing rules). This could lead to problems (need to ask for a formal exemption from EU law) to continue code-share arrangement if the audit is delayed and is not done after the 24 month period. This proposal is contrary to EASA's performance based rule making concept.

**Proposal:**

The requirement specifying the time-frame for on-sight audits should be put into AMC (soft law) and it should recognize the IATA IOSA system (in-stead of on-sight audits by the community operator) in order to avoid an inflation of audits

comment

3699

comment by: *Icelandair***Relevant Text:**

*(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent Authority*

**Comment:**

This should only apply when an Community operator puts its code on a third country operator flight but not in the opposite way

**Proposal:**

Add after any code share arrangement 'where a community operator wishes to put its code on a third country operator flight'

comment

3785

comment by: *IACA International Air Carrier Association*

(b)

Following the FAA example and to promote international harmonisation, EASA shall recognise IOSA Registry as an acceptable means of compliance.

comment

3940

comment by: *FAA***1. OR.OPS.035.AOC Code share arrangements**

*Comment:*

The proposed regulation indicates:

(a) Any code share arrangement between an operator certified in accordance with this section (community operator) and a third country operator shall be subject to prior authorisation of the competent authority.

(b) To obtain an authorisation to enter into a code share arrangement with a third country operator, the community operator shall demonstrate to the competent authority that:

(1) The third country operator holds an **authorisation in accordance with Part TCO**.

This section addresses concern that code share partners, including third country carriers beyond the first destination, meet minimum levels of safety. The FAA shares EASA's philosophy in this regard. However, the key to the provision is the method of authorization. Since these details will be defined in EASA's Third Country Operator NPA (OPS.004) that is scheduled for publication in September 2009, it is not possible to comment at this time.

comment

3953

comment by: ANE (Air Nostrum) OPS QM

- EU-OPS did not cover code-share arrangements. There is no sound safety justification for introducing those new requirements into EU law. In addition, no Regulatory Impact Assessment has been developed by EASA
- EASA's reference to the basic regulation is flawed and based on a subjective and biased interpretation of EU law which is not in line with the intentions of the EU legislator. We note that the EASA Management Board has expressed similar concerns on those new requirements.

Therefore, re-align with EU-OPS and reconsider the reference to code-share arrangements.

- Reference: '(b) To obtain...that:(1) The third country operator holds an authorisation in accordance with Part TCO. (2) The Community operator conducts an initial onsite audit and for the duration of the code share arrangement regular audits of the third country operator to ensure compliance of the third country operator with the essential requirements of the Basic Regulation and the standards maintained by that operator in conducting its operations; Onsite audits shall be conducted at least once every 24 months.

There should not be a requirement for TCO approval taking into account the fact that most code-share partners do not fly to the EU. Therefore it seems excessive to require TCO approval in addition to imposing an audit by community operator. The IATA IOSA system should be sufficient to authorize code-share arrangements.

In addition, in order to avoid an increase of audits which would be costly and unnecessary, community operators should be allowed to rely on the IATA IOSA audit for compliance with this regulation rather than being required to do their own audits (which would be similar to the FAA allowing US airlines to rely on IOSA for the FAA code share audit requirements).

Therefore, delete (b) (1) and amend (b)(2) to make reference to IOSA audits.

- Reference: '(2) The Community operator conducts an initial onsite audit.....at least once every 24 months.'

In the OR.OPS.035 the term onsite audits is used and in the AMC the general term audits is used. We propose to move the audit pooling methodology from the AMC to the OR.OPS.035.AOC (b) (2) as a third bullet. The reason is that the advantage of audit pooling needs to be clearly described in the law. The intention must be two way:

- 1) if you don't participate in an audit pooling system, onsite audits should be the methodology for assessing code share partners as described in item (b)(2)
- 2) if you do participate in an audit pooling system (such as IOSA) this should be sufficient

Therefore, move the audit pooling system (which needs to recognise IOSA) from AMC to the IR and allow it as alternative to individual airline onsite audits

- Reference: '(2) ...ensure compliance of the third country operator with the essential requirements of the Basic Regulation.....'

This will make code-sharing with most non-EU airlines defacto impossible due to different regulatory environments (f.e. US airlines). This has no safety justification and is completely unacceptable to airlines. It goes beyond the mandate which was given to EASA by the EU legislator. ICAO standards or equivalent should be sufficient to authorize a code-share

Therefore, delete the reference to the essential requirements of the basic regulation and replace it with 'ICAO standards or equivalent'

### C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.201.AOC Flight data monitoring – aeroplanes

p. 11

comment

442

comment by: CAA-NL

Comment CAa-NL:

This is one of the most important information in SMS. Why want the Agency only FDM above > 27.000 kg for aircraft and why there is nothing mentioned about helicopters.

comment

647

comment by: AEA

**Comment:**

Flight Data Monitoring is essential to improve flight safety. It should therefore also apply to non-commercial operators of complex motor-powered aircraft.

**Proposal:**

Introduce a requirement for flight data monitoring for non-commercial operators of complex motor-powered aircraft.

comment

1181

comment by: Ingo Pucks

(a) An operator shall establish, maintain and improve a system which allows to monitor flight progress, crucial operational in-flight data, flight safety relevant data and other information appropriate to enhance in-flight assisantce, safety

and quality improvement programs. The system shall form an essential part of the safety management, the risk management and the quality management system of the operator.

comment 1499

comment by: *TAP Portugal***Comment:**

Flight Data Monitoring is essential to improve flight safety. It should therefore also apply to non-commercial operators of complex motor-powered aircraft.

**Proposal:**

Introduce a requirement for flight data monitoring for non-commercial operators of complex motor-powered aircraft.

comment 1862

comment by: *Southern Cross International*

For operators only performing occasional ferry flights or test flights for MRO providers and leasing companies, maintaining a flight data monitoring system, which shall be integrated in the management system, is not practicable and would be extremely difficult taking into consideration the short period of time for which those aircraft are operated (occasionally only one flight).

Also the infrequent nature of such operations with a wide variety of aircraft, and the fact that the majority of our crews are employed on a contract per flight basis, means that any data collected would be too small a sample to effectively assess whether the objectives of the flight data monitoring system are being met

comment 2055

comment by: *AUSTRIAN Airlines***Comment:**

Flight Data Monitoring is essential to improve flight safety. It should therefore also apply to non-commercial operators of complex motor-powered aircraft.

**Proposal:**

Introduce a requirement for flight data monitoring for non-commercial operators of complex motor-powered aircraft.

comment 2353

comment by: *KLM***Comment:**

Flight Data Monitoring is essential to improve flight safety. It should therefore also apply to non-commercial operators of complex motor-powered aircraft.

**Proposal:**

Introduce a requirement for flight data monitoring for non-commercial operators of complex motor-powered aircraft.

comment 2527

comment by: *Deutsche Lufthansa AG***Comment:**

Flight Data Monitoring is essential to improve flight safety. It should therefore also apply to non-commercial operators of complex motor-powered aircraft.

**Proposal:**

Introduce a requirement for flight data monitoring for non-commercial operators of complex motor-powered aircraft.

comment 2887 comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:**  
Flight Data Monitoring is essential to improve flight safety. It should therefore also apply to non-commercial operators of complex motor-powered aircraft.

**Proposal:**  
Introduce a requirement for flight data monitoring for non-commercial operators of complex motor-powered aircraft.

comment 3811 comment by: *DGAC*

Proposal:  
Rewrite (b):  
"The flight data monitoring system shall be non-punitive and contain adequate safeguards to protect the source(s) of the data **except in case of gross negligence.**"

Justification:  
Consistent with EU directive 2003/42 (article 8, paragraph 3).  
There are cases of crew avoiding sanctions by protection of OPS1.037 (copied in OR.OPS.201.AOC) although their actions were deliberately unsafe.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.210.AOC** p. 11-12  
**Personnel requirements**

comment 143 comment by: *EHOAC*

General

It is not clear why this rule has been restricted to aeroplanes; Annex 6 Part III has a Recommendation that it be implemented on helicopters:

1.1.10 **Recommendation.**— *An operator of a helicopter of a certificated take-off mass in excess of 7 000 kg or having a passenger seating configuration of more than 9 and fitted with a flight data recorder should establish and maintain a flight data analysis programme as part of its accident prevention and flight safety programme.*

1.1.11 Any flight data analysis programme shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

comment 315 comment by: *ECA - European Cockpit Association*

Comment: add paragraph (b) as follows and renumber subsequent paragraphs:

(a) The operator shall, in accordance with OR.GEN.210(b) nominate post holders responsible for the management and supervision of the following areas:

- (1) flight operations;
- (2) crew training;
- (3) ground operations; and
- (4) compliance monitoring.

**(b) No nominated post holders must have managerial competency together with appropriate technical/operational qualifications in aviation.**

Justification:

Flight operations post-holder shall be a professional pilot.

comment 453

comment by: CAA-NL

Comment CAA-NL:

The postholder maintenance is not mentioned.

Request CAA-NL:

Also mention the postholder maintenance for the 'quality manager' is one of the postholders.

comment 465

comment by: P.Becker ACG

iaw NPA 2008-22c (AMC 1 to OR.GEN.200(a)(7) the Compliance Monitor Manager "should not be one of the nominated post holders"

OR.OPS.210.AOC (a) shows that the CMM is now a postholder

The CAM (Postholder Maintenance / Continuing Airworthiness Manger) is missing

The Safety Manager is missing.

What's about the Security Manager ??

It would be extremely helpful, if the AMC can show an example of an organisational chart

comment 593

comment by: Luftfahrt-Bundesamt

In this paragraph the requirement to nominate a post holder for the area of continuing airworthiness should be added as this post holder forms an integrated part of the AOC-structure of an operator.

comment 648

comment by: AEA

**Relevant Text:**

*(a) The operator shall, in accordance with OR.GEN.210(b) nominate postholders responsible for the management and supervision of the following areas (1) flight operations (2) crew training (3) ground operations and (4) compliance monitoring.*

**Comment:**

The maintenance postholder is missing. It is our understanding that this is covered through Part-M but this is unclear from this paragraph

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Realign with the EU-OPS terminology/definition of the postholders and quality manager

comment 699

comment by: *Civil Aviation Authority of Norway*

The requirement for the Nominated Postholders to be accepted by the Competent Authority seems to be lost compared to EU-OPS 1.175 (i) and JAR-OPS 3.175 (i).

We find this to be an undesired weakening of the Competent Authority's oversight over the operators. The acceptance of NPs serves as a safeguard against appointing inexperienced/unsuitable candidates for the position (which could possibly have a negative impact on flight safety). We therefore strongly suggest to maintain the requirement for such acceptance as in EU-OPS 1.175 (h) and JAR-OPS 3.175 (h), and/or specify the criteria/qualifications etc. that should be taken into account when such an acceptance is made.

Considering that OR.OPS.015.AOC (b) requires the operator to provide information about the NPs qualifications and experience, and that AMC 3 AR.GEN.330 (last sentence) mentions the acceptability of NPs, the removal of the requirement for acceptability in OR.OPS.210.AOC seems to be inconsistent.

comment 1182

comment by: *Austro Control GmbH*

The management area of compliance monitoring does not match with the implementation requirements for SMS according Annex 6. Compliance monitoring shall be a part of the operator's SMS.

change text:

*(4) safety management and compliance monitoring*

comment 1500

comment by: *TAP Portugal***Relevant Text:**

*(a) The operator shall, in accordance with OR.GEN.210(b) nominate postholders responsible for the management and supervision of the following areas (1) flight operations (2) crew training (3) ground operations and (4) compliance monitoring.*

**Comment:**

The maintenance postholder is missing. It is our understanding that this is covered through Part-M but this is unclear from this paragraph

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Realign with the EU-OPS terminology/definition of the postholders and quality manager

comment 1662

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS.210.AOC Personnel requirements  
(a) (4)**

**Comment:**

Compliance monitoring is only one aspect for Postholder for safety monitoring, refer to AMC2 to OR.GEN.200(a)(3).

Safety monitoring is all encompassing and in line with SMS philosophies.

**Proposal:**

Replace by "Postholder for safety monitoring".

comment

1903

comment by: *Walter Gessky*

**OPS .210(a)(4)**

Add the following:

(4) **safety management** and compliance monitoring

~~Justification:~~

According ICAO Annex 6, compliance monitoring shall be part of the safety management.

comment

2056

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

*(a) The operator shall, in accordance with OR.GEN.210(b) nominate postholders responsible for the management and supervision of the following areas (1) flight operations (2) crew training (3) ground operations and (4) compliance monitoring.*

**Comment:**

The maintenance postholder is missing. It is our understanding that this is covered through Part-M but this is unclear from this paragraph

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Realign with the EU-OPS terminology/definition of the postholders and quality manager

comment

2354

comment by: *KLM*

**Relevant Text:**

*(a) The operator shall, in accordance with OR.GEN.210(b) nominate postholders responsible for the management and supervision of the following areas (1) flight operations (2) crew training (3) ground operations and (4) compliance monitoring.*

**Comment:**

The maintenance postholder is missing. It is our understanding that this is covered through Part-M but this is unclear from this paragraph

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Realign with the EU-OPS terminology/definition of the postholders and quality manager

comment

2530

comment by: *Deutsche Lufthansa AG***Relevant Text:**

*(a) The operator shall, in accordance with OR.GEN.210(b) nominate postholders responsible for the management and supervision of the following areas (1) flight operations (2) crew training (3) ground operations and (4) compliance monitoring.*

**Comment:**

The maintenance postholder is missing. It is our understanding that this is covered through Part-M but this is unclear from this paragraph  
Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Realign with the EU-OPS terminology/definition of the postholders and quality manager

comment

2801

comment by: *Virgin Atlantic Airways***Relevant Text:**

*(a) The operator shall, in accordance with OR.GEN.210(b) nominate postholders responsible for the management and supervision of the following areas (1) flight operations (2) crew training (3) ground operations and (4) compliance monitoring.*

**Comment:**

The maintenance postholder is missing. It is our understanding that this is covered through Part-M but this is unclear from this paragraph

In addition compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholders and therefore the term postholder should be avoided for this function. The required posts to support the AOC should be: Accountable Manager, Quality Manager, and Nominated Post Holders for Flight Operations, Crew Training, Ground Operations and Maintenance / Engineering

**Proposal:**

Realign with the EU-OPS terminology/definition of the postholders and quality manager

comment

2888

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

*(a) The operator shall, in accordance with OR.GEN.210(b) nominate postholders responsible for the management and supervision of the following areas (1) flight operations (2) crew training (3) ground operations and (4) compliance monitoring.*

**Comment:**

The maintenance postholder is missing. It is our understanding that this is covered through Part-M but this is unclear from this paragraph. Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholders and therefore the term postholder should be avoided for this function.

**Proposal:**

Realign with the EU-OPS terminology/definition of the postholders and quality manager

comment

3069

comment by: ERA

**European Regions Airline Association Comment**

In NPA 2009-01 and NPA 2008-22c there is mention of 'small organisations' with abbreviated procedures applicable. There is, however, no definition of a small organisation, but there is mention (definition) of the one-man organisations. [See NPA 2008-22c]

comment

3137

comment by: Lufthansa CityLine GmbH

**Proposal:**

(a) The operator shall, in accordance with OR.GEN.210(b)

**(I)** nominate Post Holders responsible for the management and supervision of the following areas:

- (1) flight operations;
- (2) crew training;
- (3) ground operations; and
- (4) the maintenance system

(details see VO xyz Part xyz)

**and**

**(II)** designate one Quality Manager to monitor compliance with, and adequacy of, procedures required to ensure safe operational practices and airworthy aeroplanes.

**and**

**(III)** designate one Safety Manager responsible for an organisation-wide implementation of an safety management system (SMS) acc. ICAO. This SMS uses the principles of the accident prevention and flight safety programme and must be in accordance with the State Safety Program.

Exception A

If acceptable to the Authority

(depending on size and/or kind of operation, e.g. for small/very small operators):

- one or more of the Nominated Post Holder responsibility may be filled by the Accountable Manager itself,

and/or

- one or more of the Nominated Post Holder responsibility may be filled by one direct report of the Accountable Manager

Exception B

If acceptable to the Authority

(depending on size and/or kind of operation, e.g. for small / very small operators):

- posts of the Accountable Manager and the Quality Manager may be combined if independence of the quality audits is granted. (in this case

the independence concerning the quality audits must be granted by independent auditors)

and/or

- posts of the Accountable Manager and the Safety Manager may be combined

or

- posts of the Quality Manager and the Safety manager may be combined if independence of the quality audits is granted. (in this case the independence concerning the auditing of the SMS must be granted by acceptable procedures)

#### **Explanatory statement A:**

**It is eminent important not to merge the terms of Nominated Post Holder and Compliance Manager, who is following designated as Quality Manager for better understanding.**

#### **Summary:**

In that well known and approved so called "NPH System" there is made a clear difference between the responsibilities of the Accountable Manager and the Nominated Post Holders respectively on one hand (line management) and the duty of the Quality Managers on the other hand (check view). One common point is that all of them are direct reports to the Accountable Manager. One further common point is that all of them (incl. the Accountable Manager) must be acceptable to the Authority

(By the way, to be acceptable to the Authority apply to much more personnel working for an Airline Operator or an Maintenance Organisation, even if there are not nominated/designated via form4 or equivalent.)

The difference between Post Holders and Quality Manager is mandatory to underline and secure the independence of the quality system. This basic understanding is expressed by comparing EU-OPS 1.175 / JAR-OPS 3.175 and TGL 44 1.035 (2.4.5) where in case of small/very small operators one or more of the nominated posts may be filled by the Accountable Manager, if acceptable to the Authority, **or** the posts of the Accountable Manager and the Quality Manager may be combined respectively under particular circumstances. (e.g.: quality audits have to be done by independent personnel)

**But to secure the Quality Managers independence even for the Accountable Manager it is never ever allowed to fill additional the posts of Nominated Post Holder and Quality Manager at the same time.**

**Due to that major difference, EASA should never ever use the Term Post Holder (Nominated Post holder) for an other position as used in the well known and approved "NPH-System" acc. EU-OPS / JAR-OPS 3.**

Beside the explanation in advance EASA has to be aware not to open the gate for an expansion of further Post Holder positions (e.g. security, emergency, cosmic radiation, etc.)

#### **Sources:**

##### **EU-OPS 1.175(h) / JAR-OPS 3.175(h)**

The operator must have nominated an Accountable Manager acceptable to the Authority who has corporate authority for **ensuring that all operations and maintenance activities can be financed and carried out** to the standard required by the Authority.

**EU-OPS 1.175(i) / JAR-OPS 3.175(i)**

The operator must have nominated Post Holders, acceptable to the Authority, who are **responsible for the management and supervision** of the following areas:

1. flight operations;
2. the maintenance system;
3. crew training; and
4. ground operations."

**EU-OPS 1.175 / JAR-OPS 3.175**

(j) A person may hold more than one of the nominated posts if acceptable to the Authority but, for operators who employ 21 or more full time staff, a minimum of two persons are required to cover the four areas of responsibility.

(k) For operators who employ 20 or less full time staff, one or more of the nominated posts may be filled by the Accountable Manager if acceptable to the Authority.

**EU-OPS 1.035 / JAR-OPS 3.035**

Quality system

(a) An operator shall establish one quality system and designate one Quality Manager **to monitor compliance with, and a adequacy of, procedures** required to ensure safe operational practices and airworthy aeroplanes. Compliance monitoring must include a feed-back system to the Accountable Manager (see also OPS 1.175 (h)) to ensure corrective action as necessary."

**TGL 44 1.035**

2.4.2 The primary role of the Quality Manager is to verify, by **monitoring activity in the fields of flight operations, maintenance, crew training and ground operations**, that the standards required by the Authority, and any additional requirements defined by the operator, are being carried out under the supervision of the relevant Nominated Post Holder.

2.4.3 The Quality Manager should be responsible for ensuring that the Quality Assurance Programme is properly established, implemented and maintained.

2.4.4 The Quality Manager should:

- a. Have direct access to the Accountable Manager;
- b. Not be one of the Nominated Post Holders; and
- c. Have access to all parts of the operator's and, as necessary, any sub-contractor's organisation.

2.4.5 In the case of small/very small operators (see paragraph 7.3 below), the posts of the Accountable Manager and the Quality Manager may be combined. However, in this event, quality audits should be conducted by independent personnel. In accordance with paragraph 2.4.4.b above, it will not be possible for the Accountable Manager to be one of the Nominated Post Holders."

**Explanatory statement B:**

Concerning the roles of Safety Management- / Post Holder Responsibility and Quality Management (Compliance Management).

The Safety Managers responsibility is to implement organisation-wide an SMS (based on the Accident Prevention and Flight Safety Program) on behalf of the Accountable Manager. With the help of this SMS the whole organisation should be able to work with a safety related network, with the help of a Safety Review Board, a Safety Action Group etc., which focuses primarily not on regulatory requirements, but on safety issues.

The Nominated Post Holders have to implement the regulatory requirements concerning operation, which are certainly build up to realise safe operational practices.

Additionally, in being part of the Safety Review Group, they have to implement Safety Management requirements as well.

The Quality Manager has to monitor compliance with, and adequacy of, procedures required to ensure safe operational practices and airworthy aeroplanes. (... related to the regulatory requirements). It is hereby part of the Quality Managers responsibility to ensure the independence of quality audits whether the procedures are compliant and adequacy even concerning the implementation of the SMS.

**Due to that different "perspectives" of the above mentioned Management Positions the most achievable goal concerning safe ty seems to be, when the Quality Management System (Compliance Monitoring Management System) is fully independent from the Safety Management System, the same way as it is independent from the Nominated Post Holders line management as well.**

**In the case, that Safety Management and Quality Management would be leaded by one single person, it is mandatory to ensure the independence of the quality audits. (e. g. with the help of external auditors or a description of internal processes acceptable to the Authority.)**

comment

3201

comment by: *Lufthansa CityLine GmbH*

The position

NPA 2009-02c

OR.OPS.210.AOC Personnel requirements

(a)

(4)

is definitely in a disagreement according:

(AMC 1 to OR.GEN.200(a)(7) Management System COMPLIANCE MONITORING SYSTEM GENERAL

3 Tasks

ii)

A clarification in understanding is essential.

comment

3222

comment by: *Irish Aviation Authority*

Comment:

The ref to heading "Personnel requirements" is rather weak

No ref to Maintenance post holder

Justification:

Clarification

Proposed text:

Change heading to "Nominated Post Holders"

Should Maintenance post holder be included?

comment 3363 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

In the nominated post holders listing, there is nothing about a maintenance manager which was not the case of EU-OPS. We do not understand this removal even if it is covered by Part M.

**Proposal**

This paragraph is not clear for operators, it may be rewritten.

**Justification**

obvious

comment 3364 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

There is nothing about the "safety manager" in this article.

**Proposal**

This paragraph is not clear for operators, it may be rewritten.

**Justification**

obvious

comment 3369 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Paragraph text:**

(a) The operator shall, in accordance with OR.GEN.210(b) nominate post holders responsible for the management and supervision of the following areas:

- (1) flight operations;
- (2) crew training;
- (3) ground operations; and
- (4) compliance monitoring.

**Comment:**

1) In accordance with the present regulation in EU-OPS an operator must have nominated post holders, acceptable to the Authority, who are responsible for the management and supervision of the following areas, Flight operation, the Maintenance system, Crew training and Ground operations. The EASA proposal doesn't mention anything about a person that is responsible for the maintenance system. The maintenance system is one of the most essential parts of an CAT or COM operator. We assume that the responsibility for the maintenance function is regulated in regulation (EC) 2042/2003 as amended. But as the proposed regulation is seen from the operator perspective the maintenance function has to be mentioned in the proposal for safety reasons.

2) The person responsible for the compliance monitoring is not a nominated post holder. There might be a risk of confusion as to whether the function as "nominated post holder compliance monitoring" is in the same production line as the other nominated post holders.

**Proposal:**

- 1) Add a new paragraph containing maintenance system.

2) Regulate the requirements on the person responsible for compliance monitoring in a separate article.

comment

3478

comment by: IATA

(a) The operator shall, in accordance with OR.GEN.210  
 (b) nominate post holders responsible for the management and supervision of the following areas:  
 (1) flight operations;  
 (2) crew training;  
 (3) ground operations; and  
 (4) compliance monitoring.

It is not clear if the post holder No (4) is the same as the "safety manager".  
 (see also NPA 2008-22c Page 26)

comment

3509

comment by: Henning Romme-Mølby

**Subject:** NPA 2009-02 (c) proposes a changeover in current requirements for Quality Management and Safety Management Systems.

The above mentioned NPA proposes certain organizational changes, which might have an undesired impact on the quality and business principles that operators respect today.

Firstly the NPA proposes that operators should establish a Management System, which seems to be identified to the Safety Management System as the *prevailing system requirement*, with numerous sub functions. An important change is that the Quality Management system no longer is mentioned explicitly, although this system for years has been a significant part of the building blocks for a safe operation.

The Quality Management System is renamed as a "Compliance Monitoring system", which is misleading and raises some concerns. The concept "Compliance Monitoring" can be seen as a substandard norm and produce certain elements of concept misunderstanding, since the audited/reviewed unit might not correlate with such a concept, which will affect the feedback processes. The general understanding of Quality might transform into something perceived (more) negative. Based on this the entire company culture supported by the existing Quality Management system concept could be compromised.

In this context it is important to understand that operators currently have established a Quality Management System – in accordance with applicable regulation – and that this setup goes beyond the mentioned "*Compliance Monitoring concept*" implied by the NPA. Transforming the Quality Management System into Compliance Monitoring could lead to the scenario that the basic core value of Quality Management is lost of sight.

Quality Management is not only Quality Assurance as implied by the change of words in the NPA. Quality Management goes far beyond and the underlying principles should as best practice be applied to all activities, including Safety Management.

Quality is a management tool for achieving business excellence and assure

regulatory compliance, meanwhile the Safety Management system focuses on achieving safety. This is the subject reason for that *both systems are very important* and full benefit is only achieved, when both systems are well established and able to support the operation on a complementary basis. Integration of the systems seems as a more valuable proposal rather than separating the systems indirectly by imposing the "Compliance Monitoring" concept.

***Safety Management needs Quality Management and visa versa.***

It is general accepted - inside and outside aviation – that there are many common points and tasks between Quality Management and Safety Management. This point of view is supported by the enhanced commitment to QHSE (Quality, Health, Safety, Environment) Management Systems.

The concept strategy is that all the mentioned management issues are considered important areas and need special attention being a part of the overall management processes. Typically this involves that a Head of QHSE is nominated, which ensures a clear line of command. In addition it minimizes any form for internal "competition" between the mentioned "soft area" key functions and departments.

Withdrawing Quality Management in the current shape as a direct binding management system requirement from the regulation might be seen a step back for aviation in terms of safety.

Following the implementation of the standards in ICAO DOC 9859 many operators have chosen to combine the Quality Management System with the Safety Management System, or at least they have used the well known existing practices and principles where possible, as suggested by the ICAO.

The forerunner for Safety Management Systems, CAP 712, also implied that there are many common points between Quality and Safety, thus there could be no objection for an integration and mixed setup with a combined postholder for Safety and Quality, ref. CAP 712, section 2.2.

Operators and especially the business industry have gained success by making a combined Quality Management System and Safety Management System in line with the previous mentioned QHSE-concept. Changing the established values of quality does not promote improved safety awareness, nor does it benefit the safety culture. Rather than making the proposed redesign it should be considered to enhance the concept, for example by adding Health and Environment Management to the overall management system requirements.

One of the key elements and advantages achieved by the integration of the management systems is the overall synergy gained. An example could be that auditor(s) can be trained to perform safety audits in conjunction with quality audits, thus enhanced use and benefit of the existing practices can be assured as suggested by the ICAO standards. The somewhat intended separation of the systems and the Quality redesign does not support such efforts.

**Proposal:**

From a regulatory perspective it should be encouraged that operators maintain the Quality Management System and also the Quality Assurance concept by name. Secondly full integration of all management systems should be encouraged. It should be considered acceptable means of compliance that

operators design and integrate all desired management systems into one management system.

The current JAR/EU OPS regulation follows this strategy. Altering applicable requirements by proposing separate systems and imposing a redesign for a key element can hardly be in the interests of safety.

comment

3635

comment by: *Nordic Airways*

According to AMC 1 to OR.GEN.200(a)(7) point 3.c.ii. the Quality Assurance Manager should **not** be one of the nominated post holders. However according to the proposal in OR.OPS.210.AOC (a)(4) this manager **should** be a nominated post holder.

Point (a)(4) 'Compliance monitoring' should be removed from OR.OPS.210.AOC since this requirement is already stated in AMC 1 to OR.GEN.200(a)(7) point 3.

comment

3636

comment by: *TNT Airways*

(a) (4)

**Comment**

'compliance Monitoring' should not be one of the nominated postholder according to AMC 1 to OR.GEN.200(a)(7)

comment

3820

comment by: *IACA International Air Carrier Association*

(a)(4)

Replace by "Postholder for safety monitoring". Compliance monitoring is only one aspect for Postholder for safety monitoring, refer to AMC2 to OR.GEN.200(a)(3). Safety monitoring is all encompassing and in line with SMS philosophies.

comment

4051

comment by: *Ingo Pucks*

(b) (2) This paragraph should reflect the necessity of experienced flight dispatch personnel forming an essential part of a safe, efficient and economical flight operation.

Therefore the following changes are proposed:

(i) All personnel assigned to flight operation, flight dispatch and ground handling (especially mass and balance) should have state issued licences, which need to be renewed through refresher training on a regular schedule.

(ii) routinely be the subject of proficiency checks.

(iii) should be assigned to training and familiarization with relevant work process close to their own responsibility.

(c) (3)

(i) Supervision of staff requires personnel having shown an above standard responsibility.

(ii) Supervision staff has to be prepared through human factors, team building and additional training.

comment 4087 comment by: *FINNAIR*

(a) The operator shall, in accordance with OR.GEN.210(b) nominate post holders responsible for the management and supervision of the following areas:

- (1) flight operations;
- (2) crew training;
- (3) ground operations; and
- (4) compliance monitoring.

**COMMENT**  
The requirement of post holder system is not adequate.

**PROPOSAL**  
Add; the responsibility for implementation of each applicable requirements must be covered by the post holder system; by one of the post holders. In other words the coverage of the responsibilities must be ensured.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.215.AOC  
Facility requirements**

p. 12

comment 779 comment by: *claire.amos*

**(b)** maintain operational support facilities at the main operating base, appropriate for the area and type of operation.  
Does this mean that a head office off site cannot contain the company overall operational management facilities?

comment 1887 comment by: *Southern Cross International*

It is unclear what is meant by  
The operator shall (a) arrange appropriate ground handling facilities to ensure the safe handling of its flights;

Does this imply that contracted handling (world-wide) need to be certified before it may be used? If this is true the associated costs will be extremely excessive as many fuel stops may be on a one-time only basis.

comment 2197 comment by: *M Wilson-NetJets*

**Original text:**  
(b) maintain operational support facilities at the main operating base, appropriate for the area and type of operation;

**Suggested new text:**  
(b) maintain operational support facilities at the main operating base **or such location(s) deemed adequate by the operator**, appropriate for the area and type of operation;

**Comment/suggestion:**  
Decentralized operators do not have one main operating base. These operators should be allowed to provide equivalent support facilities at a different location or divided over multiple different locations.

comment	<p>2852 <span style="float: right;">comment by: <i>Civil Aviation Authority of Norway</i></span></p> <p>Comment to (b); The requirement to establish “operational support facilities at the main operation base” should include the possibility of utilizing external operational support centres, as long as the operator remains responsible for the control and supervision of the flights performed by that operator.</p>
comment	<p>3181 <span style="float: right;">comment by: <i>Irish Aviation Authority</i></span></p> <p>Comment: (a) - Ref to “ handling of its flights” Justification: Wording is weak</p> <p>Proposed text: Suggest changing text to “handling of flight operations”</p>
comment	<p>3344 <span style="float: right;">comment by: <i>Ryanair</i></span></p> <p><b>Comment</b> (a) The use of the word 'facilities' in the context of ground handling has no impact the safe handling of its flights. This proposal leaves operators open to subjective findings during competent authority audits and inspections. Furthermore, operators frequently subcontract ground handling services and therefore would have no control over the Ground Handling Agents facilities</p> <p><b>Proposal</b> (a) arrange suitable ground handling <del>facilities</del> <i>services</i> to ensure the safe handling of its flights</p> <p><b>Comment</b> (b) The use of the word 'facilities' in the context of operational support has no impact on flight safety. This proposal leaves operators open to subjective findings during competent authority audits and inspections. Furthermore, 'main operating base' requires further defintion</p> <p><b>Proposal</b> (a) maintain operational support <del>facilities</del> at the main operating base (<i>where the operator has its principle place of business</i>), appropriate for the area and type of operation.</p> <p><b>Comment</b> (c) The allocation of office space has no impact on flight safety. This proposal leaves operators open to subjective findings during competent authority audits and inspections.</p> <p><b>Proposal</b> Remove</p>
comment	<p>4054 <span style="float: right;">comment by: <i>Ingo Pucks</i></span></p> <p>(b) This paragraph lacks a proper definition of "appropriate", by which most oeparators will try to choose the least "expensive" and hence lowest standard. This impacts safety of the operation as a whole. (c) It is suggested to define in detail the facility requirements, the amount of working space, the needs, and resources, as well as storage and other facilites</p>

and needs of flight operation.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IV - OR.OPS.300.AOC  
Documentation requirements**

p. 12

comment

1257

comment by: UK CAA

**Page No:** 12**Paragraph No:**

OR.OPS.300.AOC

**Comment:**

The requirement "to produce" the manuals is unclear.

**Justification:** The word "produce" has a number of different meanings, such as i) to make or create something or ii) to provide something for inspection or use. Operators are required in various other places to establish an operators manual and provide the competent authority with copies of the manual and other documentation, for example in OR.OPS.025.AOC. Clarification of the intent is needed.

comment

2853

comment by: Civil Aviation Authority of Norway

Comment to (b);

The words "*without delay*" will automatically raise discussions about specifications of time and should be omitted. We suggest the following sentence;

*"The operator shall be capable of distributing operational instructions and other information as appropriate to the operation".*

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V**

p. 12

comment

1060

comment by: AEA

**Comment:**

EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's are missing in EASA-OPS

A lot of European carriers are making use of this possibility now. Significant investments will be worthless and again significant useless investments are necessary to return to the old situation.

FAA currently allows a similar setup and the level playing field will be lost without the possibility of ATQP in EASA-OPS.

**Proposal:**

Add EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's to EASA-OPS

comment

2058

comment by: AUSTRIAN Airlines

**Comment:**

EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's are missing in EASA-OPS

A lot of European carriers are making use of this possibility now. Significant

investments will be worthless and again significant useless investments are necessary to return to the old situation.  
FAA currently allows a similar setup and the level playing field will be lost without the possibility of ATQP in EASA-OPS.

**Proposal:**

Add EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's to EASA-OPS

comment 2355

comment by: *KLM***Comment:**

EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's are missing in EASA-OPS

A lot of European carriers are making use of this possibility now. Significant investments will be worthless and again significant useless investments are necessary to return to the old situation.

FAA currently allows a similar setup and the level playing field will be lost without the possibility of ATQP in EASA-OPS.

**Proposal:**

Add EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's to EASA-OPS

comment 2532

comment by: *Deutsche Lufthansa AG***Comment:**

EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's are missing in EASA-OPS

A lot of European carriers are making use of this possibility now. Significant investments will be worthless and again significant useless investments are necessary to return to the old situation.

FAA currently allows a similar setup and the level playing field will be lost without the possibility of ATQP in EASA-OPS.

**Proposal:**

Add EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's to EASA-OPS

comment 2889

comment by: *Swiss International Airlines / Bruno Pfister***Comment:**

EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's are missing in EASA-OPS

A lot of European carriers are making use of this possibility now. Significant investments will be worthless and again significant useless investments are necessary to return to the old situation.

FAA currently allows a similar setup and the level playing field will be lost without the possibility of ATQP in EASA-OPS.

**Proposal:**

Add EU-OPS 1.978 Alternative training and qualification programme, and it's appendices and AMC's to EASA-OPS

comment 3525

comment by: *ECA - European Cockpit Association*

General comment: all ATQP provisions of EU OPS 1.978 have been discarded.  
Advanced qualification programme

(a) The periods of validity of OPS 1.965 and 1.970 may be extended, where the Authority has approved an advanced qualification programme established by the operator.

(b) The advanced qualification programme must contain training and checking which establishes and maintains a proficiency that is not less than the provisions prescribed in OPS 1.945, 1.965 and 1.970.

ECA requests to have this material taken on board of the implementing rules.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 1 -  
OR.OPS.015.FC Composition of flight crew**

p. 12

comment

410

comment by: *CAA-NL*

Comment regarding:

(d) A flight crew member may be relieved in flight of his duties at the controls by another suitably qualified flight crew member.

Suggestion CAa-NL:

Following should be added:

...and are suitably qualified and competent to conduct the duties assigned to them.

Reason:

Being qualified is not the same as competent. Competent depends on recent experience.

comment

652

comment by: *AEA*

**Comment:**

EASA has mixed up and changed the well known and proven concepts of Commander and Pilot in Command. The result is legal uncertainty and confusion in case of augmented crew. There should be only one Commander on the flight.

**Proposal:**

Realign with EU-OPS definitions.

comment

851

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.015.FC:

Clarify: It is unclear who is responsible for compliance, crew or operator. Text needs to be expanded to clarify that this is an operator's obligation.

comment

1501

comment by: *TAP Portugal*

**Comment:**

EU-OPS 1.978 Alternative training and qualification programme, and its appendices and AMC's are missing in EASA-OPS

A lot of European carriers are making use of this possibility now. Significant investments will be worthless and again significant useless investments are

necessary to return to the old situation.  
FAA currently allows a similar setup and the level playing field will be lost without the possibility of ATQP in EASA-OPS.

**Proposal:**

Add EU-OPS 1.978 Alternative training and qualification programme, and its appendices and AMC's to EASA-OPS

comment 1502

comment by: *TAP Portugal*

**Comment:**

EASA has mixed up and changed the well known and proven concepts of Commander and Pilot in Command. The result is legal uncertainty and confusion in case of augmented crew. There should be only one Commander on the flight.

**Proposal:**

Realign with EU-OPS definitions.

comment 2059

comment by: *AUSTRIAN Airlines*

**Comment:**

EASA has mixed up and changed the well known and proven concepts of Commander and Pilot in Command. The result is legal uncertainty and confusion in case of augmented crew. There should be only one Commander on the flight.

**Proposal:**

Realign with EU-OPS definitions.

comment 2356

comment by: *KLM*

**Comment:**

EASA has mixed up and changed the well known and proven concepts of Commander and Pilot in Command. The result is legal uncertainty and confusion in case of augmented crew. There should be only one Commander on the flight.

**Proposal:**

Realign with EU-OPS definitions.

comment 2533

comment by: *Deutsche Lufthansa AG*

**Comment:**

EASA has mixed up and changed the well known and proven concepts of Commander and Pilot in Command. The result is legal uncertainty and confusion in case of augmented crew. There should be only one Commander on the flight.

**Proposal:**

Realign with EU-OPS definitions.

comment 2802

comment by: *Virgin Atlantic Airways*

**Comment:**

EASA has mixed up and changed the well known and proven concepts of Commander and Pilot in Command. The result is legal uncertainty and confusion in case of augmented crew. There should be only one Commander on

the flight.

**Proposal:**

Realign with EU-OPS definitions.

comment

2803

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1 The pilot in command may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if he/she:

- (1) complies with the minimum level of experience specified in the Operations Manual;
- (2) except in the case of balloons:
  - (i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;
  - (ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;
- (3) in the case of multicrew operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of

EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules.

comment 2890 comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:**

EASA has mixed up and changed the well known and proven concepts of Commander and Pilot in Command. The result is legal uncertainty and confusion in case of augmented crew. There should be only one Commander on the flight.

**Proposal:**

Realign with EU-OPS definitions.

comment 3072 comment by: *ERA*

**European Regions Airline Association Comment**

OPS 1.978 and its Appendix 1 describe the way an Alternative Training and Qualification Program (ATQP) can be approved. They are the result of extensive discussions in the past.

EASA has not reproduced this article nor its Appendix on the grounds of the "built-in" possibility to change any AMC.

ERA acknowledge such possibility, however, the wording of 1.978 and its Appendix could usefully be reproduced in GM as an indication on how to have an AMC approved on that subject. Such incorporation would avoid losing track of OPS 1.978 and its Appendix.

comment 3366 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

There is a problem with notions of "commander" and "pilot in command". This can lead to safety concerns as their roles are not quite the same and not explained precisely. Moreover, EASA is supposed to transfer only EU-OPS and the change for pilot in command does not justify any safety issue. It would lead to legal uncertainty and cause problems on a flight, especially with augmented crew, as there should only be one commander.

**Proposal**

The notion of "pilot in command" must be changed for "commander" as it is the case in EU-OPS.

**Justification**

This might be a legal issue regarding the scope of understanding and cause problems of reading. All those wordings can lead to specific responsibilities that can be widely different.

comment 3420 comment by: *UK CAA*

**Page No:** 12

**Paragraph No:**

OR.OPS.015.FC (d)

**Comment:**

This IR and the AMC associated with it require that a pilot-in-command (PIC) may only be relieved by a pilot who is either another PIC (AMC OR.OPS.015.FC(d) para 1) or who is a co-pilot who meets the requirements of the AMC **and** has completed a Command Course (AMC OR.OPS.015.FC(d) para 1c).

This is more restrictive than the EU-OPS 1.940 (5) and Appendix 1 to OPS 1.940 (all current cruise relief pilots **do not** require a command course to perform these functions) and will have a serious financial implication for airlines operating with relief pilots (they will all require command courses) and has no demonstrable benefit to safety.

**Justification:**

There is no safety reason to deviate from EU-OPS 1.940(5) and Appendix 1 to OPS 1.940

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 1 -  
OR.OPS.020.FC Designation as pilot-in-command**

p. 13

comment

144

comment by: *EHO*

General

In reality, for commercial operations, the original rule and ICAO Annex 6 Part III Chapter 7.4.3.5 (Part I - 9.4.4.1) has little to do with a designation as pilot-in-command - it is a competence qualification that is revalidated purely by operating.

This has been picked up by EASA but under the title 'Designation as pilot-in-command' and not as a Route/Role/Area - Competence Qualification.

It might be better if the existing OR.OPS.020.FC was split into two parts: one which deals with the Designation as pilot-in-command; and a second for CAT which deals with "Route/Role/Area – Competence Qualification".

The new element could have ICAO compliance built in to it.

comment

236

comment by: *ECA - European Cockpit Association*

Comment on As worded in proposed NPA text, the competence is valid 11 months after the end of the month of last training or flight experience, instead of 12.

comment

411

comment by: *CAA-NL*

Comment regarding:

ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

Suggestion:  
Add: ...or suitable qualified.

Reason:  
Epericenced states actual flight exposure

comment 424

comment by: CAA-NL

Comment regarding:  
2) except in the case of balloons:  
(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;  
(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

suggestion CAA-NL:  
Change period of validity in line with 1.975 (d) EU-OPS

Reason  
Period of validity not in line with EU-OPS 1.975 (d)

comment 650

comment by: AEA

**Section:**

OR.OPS.020. Designation as Pilot-in-Command  
and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1 The pilot in command may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if  
 he/she:  
 (1) complies with the minimum level of experience specified in the Operations Manual;  
 (2) except in the case of balloons:  
 (i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;  
 (ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;  
 (3) in the case of multicrew operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

778

comment by: *claire.amos*

**(b) (3)**

New more complex destinations may require this to be monitored in AIMS/Training

comment

883

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.020.FC (b) (2) (i): Add text:

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, **including alternates**, facilities and procedures to be used;

Justification:

The PIC must also be familiar with the destination alternates.

comment

885

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.020.FC (b) (2) (ii): Rewrite paragraph so that the intention of EU-OPS is regained:

(ii) in the case of commercial operations, ~~has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;~~ regualification is requir ed if the pilot has not has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

Justification:

This text, as written, would never allow a PIC to fly a new route; the EU-OPS requirement was intended to describe re-qualification methods, being either a new theoretical familiarisation or actual operation in that area/to that airport.

comment

1449

comment by: *Pietro Barbagallo ENAC*

Comment: (b) ....where the operator has its principle place of business should be substituted by ...has its principal place of business and home base.

Justiifcation: Principle relates to set of moral rules, standard, rule of personal conduct while principal as a legal wording is related to capital or property as opposed to interest or income derived for it, first of importance, rank, value. As principle is an improper word, principal alone and without "home base" permits an operator to take advantage of being certified and over sighted by small and understaffed Authorities while doing almost all business outside of that Country. This creates unfair competition with other Operators and has to be mitigated awaiting that the vision of a real standardization proves to be true.

comment

1450

comment by: *Pietro Barbagallo ENAC*

Comment: The following paragraph should be added: c) In multi crew operations, the designated Pilot in command may also be referred to as the "Commander"

Justiifcation: "Designated pilot in command" is a very long term and so not very easily used in documents and in any form of communication. This term gives also additional problems when traslated in some languages. One of these mistranslations can be found in Basic Regulation 216/2008 Annex IV 1c in which designated PIC is translated in Italian as Comandante, that is Commander. Further misunderstandings arise when "designated" is dropped in conversation and Designatrd PIC becomes simply PIC. Commander as a synonymous wording for "designated PIC" doesn't put in jeopardy all the assumptions made in NPA 2009-2 (25) and adds clarity and simplicity to communication, particularly but not limited to, when more than one person in the crew has completed the command course. Furthermore Commander and its translations is a well establish word within the aviation community, including passengers that fully understand the implications of that appellative because it is deeply rooted in the culture of professional and non professional people worldwide.

comment

1503

comment by: *TAP Portugal*

**Section:**

OR.OPS.020. Designation as Pilot-in-Command  
and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1 The pilot in command may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

1632

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

Attachment [#3](#)

**OR.OPS.020.FC Designation as pilot-in-command**

**(b) (3)** States " in the case of multi-crew operations, has completed a command course provided by the operator, as specified in the Operations

manual

**OR.OPS.115.FC Composition of Flight crew**

**(b)** States " The pilot in command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the requirements of OR.OPS.020 (b)

The delegation shall include all the responsibilities of the pilot-in-command

**OR.OPS.120.FC Command course**

States "Except in the case of balloons, the command course shall include at least the following elements:

- (a) Training in an FSTD, including line orientated flying training (LOFT), or flying training;
  - (b) The operator proficiency check, operating as pilot-in-command;
  - (c) Training on pilot-in-command responsibilities;
  - (d) Line training as pilot-in-command under supervision, for a minimum of:
    - (1) 10 sectors, in the case of aeroplanes; and
    - (2) 10 hours, including at least 10 sectors, in the case of helicopters.
  - (e) Completion of a line check as pilot-in-command;
- and
- (f) Elements of crew resource management training.

**AMC OR.OPS.015.FC (d) Composition of flight crew**

**INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES 1 b. and c.**

**Comment:**

All these elements are interlinked but have a significant effect when related to Augmented Crew Operation. EASA have chosen not to use the term 'Commander' which was utilised by the JAA to differentiate between pilots who were licensed to be in command but were not nominated as pilot-in-command. Their reasoning is that ICAO do not use the term. However in the JAA/EU-OPS/EASA world there is an anomaly in that in some states a pilot is rated in his license automatically as Pilot-in-command [or co-pilot] UK,EIRE being 2 but there are others. The remaining States rate a Pilot as Co-Pilot OR pilot-in-command. Thus in these states [UK,EIRE etc] a Cruise relief Captain [co-pilot with pilot-in-command privileges] need only have such training as decided by the Operator. Those other States have to give a co-pilot a LHS OPC [as it stands at this time]. This procedure is adopted in Germany/France and other states.

The consequence of EASA's planning is to require a relief Captain to be a Captain and no longer a Co-Pilot with pilot-in-command privileges and appropriate training as decided by the operator.

EASA indicates that the relieving Pilot has total command of the aircraft, which is not true as the 'Commander' is still legally responsible for the flight. In a 2 man crew, when the Captain goes to the toilet, the F/O becomes the Pilot flying, but the Captain [Commander] is still legally responsible. The AMC should clarify that there is only one pilot-in-command, who retains the final decision during the entire flight, even when relieved by another pilot [e.g. cruise relief captain] for the conduct of the flight. [Excepting the formal hand-over in flight of command authority from one "commander" to another in ultra long range operations where two flight crews are required to enable the aircraft to remain airborne beyond what hitherto has been agreed as an acceptable flight duty period. The off-duty crew can therefore obtain uninterrupted and recuperative rest.]

The pilot-in command status is not related to pilot-flying/pilot-not-flying, but identifies the flight crew member as being the "final authority" on board.

The outcome of this is that there will be increased crew costs but without any

proven increase in Safety. If the current system is unsafe then it should be stopped immediately not wait until EASA regulations become law.

**Proposal:**

1. Use EU-OPS Appendix 1 to EU-OPS 1.940
2. Reinstate the term 'Commander' as per EU-OPS 1.940 (a) 5 to avoid confusion

comment

1863

comment by: *Southern Cross International*

For operators performing ferry flights or test flights for MRO providers and leasing companies, it should be possible to hire a crew or crew member for a specific task. In such cases it should be acceptable if the pilot-in-command has completed an approved command course at any operator (which may be his current employer).

Also, for operators temporarily hiring TRI/TREs (for example for the purpose of introducing a new aircraft type or in case of fleet expansion) it should be acceptable if the TRI/TRE has completed an approved command course in the past. Otherwise these TRI/TRE's would have to repeat a command course for each new assignment.

It is suggested to change OR.OPS.020.FC (b) (3) as follows:

(3) in the case of multi-crew operations, has completed a command course provided by the operator, as specified in the Operations Manual, or any alternative command course accepted by the competent authority.

comment

1888

comment by: *Southern Cross International*

OR.OPS.020.FC (b)(2)(ii)

Due to the wide variety of aircraft operated by our company, the extremely short period of time for which those aircraft are operated, and worldwide operating area, requiring experience within the last 12 month of the route or area to be flown in, and of the aerodrome, facilities and procedures to be used is impracticable.

For commercial operations other than CAT a briefing or self-briefing (Category A and B aerodromes) or flight simulator instruction (Category C aerodromes, if applicable) should be sufficient flight preparation.

comment

2062

comment by: *AUSTRIAN Airlines*

**Section:**

OR.OPS.020. Designation as Pilot-in-Command  
and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1 The pilot in command may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

2357

comment by: KLM

**Section:**

OR.OPS.020. Designation as Pilot-in-Command  
and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another

flight crew

member of his duties at the controls in flight in the following cases:

1 The pilot in command

may delegate the conduct of the flight to another qualified

pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

2515

comment by: *British Airways Flight Operations*

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1 The pilot in command may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members, which allows the PIC to be relieved by another suitably-qualified flight crew member (who does not need to be a Commander) above FL200. Generally, the only pilots who have completed command courses are captains. This proposal would seem to imply that command courses will be more widely required, which is unacceptable.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2536

comment by: *Deutsche Lufthansa AG*

**Elements:**

OR.OPS.020. Designation as Pilot-in-Command

and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

**AMC OR.OPS.015.FC** (d) Composition of flight crew  
INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

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- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from **OR.OPS.020.FC** to which it refers in sub para (c):

**OR.OPS.020.FC** Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

2803 ❖

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another

flight crew member of his duties at the controls in flight in the following cases:  
 1 The pilot in command may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:  
 a. holds the appropriate type or class rating;  
 b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;  
 c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and  
 d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules.

comment

2891

comment by: *Swiss International Airlines / Bruno Pfister*

**Section:**

OR.OPS.020. Designation as Pilot-in-Command

and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

**INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES**

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1 The pilot in command may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

3075

comment by: ERA

- The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.
- This EASA proposal, which is not line with EU-OPS. neglects decades of

Therefore, realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

- In the EU OPS article, it is specified that 'if revalidated within the final 3 calendar months of the validity of the previous route and aerodrome competence qualification, the period of validity shall extend from the date of revalidation until 12 calendar months from the expiry date of that previous route and aerodrome competence qualification'.

This renewal condition is not included in OR.OPS.020.FC. ERA therefore request it be included

comment

3343

comment by: *Lufthansa CityLine GmbH*

In the EU OPS article, it is specified that 'if revalidated within the final 3 calendar months of the validity of the previous route and aerodrome competence qualification, the period of validity shall extend from the date of revalidation until 12 calendar months from the expiry date of that previous route and aerodrome competence qualification'.

This renewal condition is not included in OR.OPS.020.FC. We therefore request it be included

comment

3368

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The requirement to have to complete a command course for a pilot to relief the PIC is a way too much strict. This does not match with EU-OPS requirements and would lead to a huge increment in costs for operators.

**Proposal**

EU-OPS must remain unchanged regarding inflight relief of crew members.

**Justification**

This change would lead to cost increment without any safety improvement.

comment

3422

comment by: *UK CAA*

**Page No:** 13

**Paragraph No:**

OR.OPS.020.FC(b)(3)

**Comment:**

The way this has been written indicates that a pilot who joins an operator when previously already qualified as a pilot-in-command (PIC) with his previous operator **must** complete another command course with the new operator prior to being able to be designated as PIC by the new operator. This is a direct copy of what is written in EU-OPS but is not logical. The way this requirement is written in JAR-OPS 3.955 is a clearer way of writing the requirement.

**Justification:** Clarity of requirement and the removal of ambiguity.

**Proposed Text (if applicable):** Replace current (b)(3) with the following text;

(3) *In the case of multi-crew operations the pilot-in-command has;*  
 (i) *completed an operator's command course if upgrading from co-pilot to pilot-in-command, or*  
 (ii) *already qualified as a pilot-in-command if joining the operator as a direct entry pilot-in-command.*

comment

3506

comment by: IATA

**(b) The operator shall only designate a flight crew member to act as pilot in command if he/she:**

**(1) .....**

**(2) .....**

**(i) .....**

**(ii) .....**

**(3) in the case of multi crew operations, has completed a command course provided by the operator, as specified in the Operations Manual;**

**Comment:**

The requirement for a command course does imply the need for multiple commanders on e.g. long haul flights. Current EU-OPS rules are less demanding.

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

The Basic Regulation (BR) allows for issuing a limited license, including limited training and checking;

Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015

BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft

BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

**Delete the command course requirement.**

**Revert to EU-OPS principle where a Rating and ATPL was required to relieve the commander.**

comment

3539

comment by: KLM Cityhopper

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not in line with EU-OPS, neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting

to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

3737

comment by: *Christian Hölzle*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3792

comment by: *IACA International Air Carrier Association*

(b)(3)

OR.OPS.020.FC Designation as pilot-in-command (b)(3), OR.OPS.115.FC Composition of Flight Crew (b) and OR.OPS.120.FC Command course are interlinked but have a significant effect when related to Augmented Crew Operation. EASA have chosen not to use the term 'Commander' which was utilised by the JAA to differentiate between pilots who were licensed to be in command but were not nominated as pilot-in-command. EASA reasoning is that ICAO do not use the term. However in the JAA/EU-OPS/EASA world there is an anomaly in that in some states a pilot is rated in his license automatically as Pilot-in-command [or co-pilot] UK,EIRE being 2 but there are others. The remaining States rate a Pilot as Co-Pilot OR pilot-in-command. Thus in these states [UK,EIRE etc] a Cruise relief Captain [co-pilot with pilot-in-command privileges] need only have such training as decided by the Operator. Those other States have to give a co-pilot a LHS OPC [as it stands at this time]. This procedure is adopted in Germany/France and other states.

The consequence of EASA's planning is to require a relief Captain to be a Captain and no longer a Co-Pilot with pilot-in-command privileges and appropriate training as decided by the operator.

EASA indicates that the relieving Pilot has total command of the aircraft, which is not true as the 'Commander' is still legally responsible for the flight. In a 2 man crew, when the Captain goes to the toilet, the F/O becomes the Pilot flying, but the Captain [Commander] is still legally responsible. The AMC should clarify that there is only one pilot-in-command, who retains the final decision during the entire flight, even when relieved by another pilot [e.g. cruise relief captain] for the conduct of the flight. [Excepting the formal hand-over in flight of command authority from one "commander" to another in ultra long range operations where two flight crews are required to enable the aircraft to remain airborne beyond what hitherto has been agreed as an acceptable flight duty period. The off-duty crew can therefore obtain uninterrupted and recuperative rest.] The pilot-in command status is not related to pilot-flying/pilot-not-flying, but identifies the flight crew member as being the "final authority" on board.

The outcome of this is that there will be increased crew costs but without any proven increase in Safety. If the current system is unsafe then it should be stopped immediately not wait until EASA regulations become law.

Proposal:

1. Use EU-OPS Appendix 1 to EU-OPS 1.940
2. Reinstate the term 'Commander' as per EU-OPS 1.940 (a) 5 to avoid confusion

comment

3954

comment by: *ANE (Air Nostrum) OPS QM*

In the EU OPS article, it is specified that 'if revalidated within the final 3 calendar months of the validity of the previous route and aerodrome competence qualification, the period of validity shall extend from the date of revalidation until 12 calendar months from the expiry date of that previous route and aerodrome competence qualification'

This renewal condition is not included in OR.OPS.020.FC. ERA therefore request it be included

comment

4055

comment by: *British Airways*

**Comment:**

EASA has mixed up and changed the well known and proven concepts of Commander and Pilot in Command. The result is legal uncertainty and confusion in case of augmented crew. There should be only one Commander on the flight who at some stage of the flight might not be the pilot in Command.

**Proposal:**

Realign with EU-OPS definitions.

comment

4057

comment by: *British Airways*

**Section:**

OR.OPS.020. Designation as Pilot-in-Command  
and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1 The pilot in command may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitably qualified flight crew member which that does not need to meet the requirements to be a Commander above FL200.

This EASA proposal, which is a significant departure from EU-OPS law, neglects decades of safe operations based on the existing rules. There is no current safety justification for this requirement and no RIA has been carried out. Implementation of this rule would lead to an unacceptable increase in crew costs for EASA airlines with a corresponding reduction on competitiveness in this global industry. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 1 - OR.OPS.030.FC Crew resource management (CRM) training**

p. 13

comment

237

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.030.FC: change as follows:

OR.OPS.030.FC Crew resource management (CRM) training

**Except in the case of balloons:**

(a) Before acting in a multicrew environment, a flight crew member shall have received appropriate CRM training as specified in the Operations Manual.

(b) Elements of CRM training shall be included in the aircraft type training and recurrent training as well as in the command course.

Justification:

Is there any chance of having a multicrew flown balloon?

comment

1258

comment by: *UK CAA*

**Page No:** 13

**Paragraph No:**

OR.OPS.030.FC (a)

**Comment:**

The statement does not refer to single pilot operation

**Justification:**

CRM training should also apply to a single crew environment.

**Proposed Text (if applicable):**

Before operating a flight crew member shall have received CRM training appropriate to their role as specified in the Operations Manual.

comment

2288

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

Should state: (a) Before acting in a multicrew environment, a flight crew member shall have received appropriate CRM training as specified in the Operations Manual **or approved CRM Training Manual**.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 1 -  
OR.OPS.035.FC Operator conversion training**

p. 13

comment

239

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.035.FC(a):

Change wording to reintroduce OPS 1.945 (a) 2 requirement :

(a) ~~Except in the case of balloons,~~ a flight crew member ~~shall complete the operator conversion training course~~ **completes an operator's conversion course before commencing unsupervised line flying**

Justification:

Regarding balloons, even if the conversion course is reduced to nothing, there is no reason for such an exemption.

Furthermore, all the training must be performed before being allowed to fly unsupervised, and this is not valid for CAT only, but for all commercial operations.

comment

653

comment by: *AEA*

**Relevant Text:**

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

We suggest an editorial amendment to make clear that this paragraph on applies to equipment installed for operational purposes and safety related.

**Proposal:**

(b) The operator conversion course shall including training on all equipment installed on the aircraft **for operational purposes**.

comment

859

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.035.FC (a) (2): Request clarification:

What is the difference in:

- when **changing** operator (acc EU-OPS), and
  - when **commencing at an** operator...
- as in the proposed text?

comment 861

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.035.FC: insert as new (a) and renumber the subsequent paragraphs accordingly:

**An operator shall ensure that a flight crew member completes a Type Rating course which satisfies the requirements applicable to the issue of Flight Crew Licences when changing from one type of aeroplane to another type or class for which a new type or class rating is required.**

Justification:

In the EU/JAR context, in commercial operations the operator was obliged to ensure that a crew member had completed a Type Rating Course when changing types. In the EASA system this responsibility is now transferred implicitly to FCL and the individual pilot. There are social implications with this change, as an operator could force a pilot to fly on one type until the day the pilot shall commence flying the new type. Without any duty days allocated for the completion of the type rating, which could be in line with social contracts and laws, this will lead to a double burden for pilots, reducing safety.

comment 992

comment by: *AEA*

**Relevant Text:**

(a) Except in the case of balloons, a flight crew member shall complete the operator conversion training course:

- (1) when changing to an aircraft for which a new type or class rating is required; or
- (2) when commencing at an operator.

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

The contents of the Operator conversion training is in OR.OPS.135.FC. Delete (b) here.

Also; One does not need to know how e.g. a coffemaker works, which is also equipment.

**Proposal:**

Delete (b)

comment 1141

comment by: *Austro Control GmbH*

Part-FCL requires a FTO/TRTO otherwise no license endorsement will be possible.

add to (a)(1)

*when changing to an aircraft for which a new type or class rating **in accordance with Part-FCL** is required*

comment 1259 comment by: UK CAA

**Page No:** 13

**Paragraph No:**  
OR.OPS.035.FC Operator Conversion training (b)

**Comment:**  
It is not necessary that flight crew train on all the equipment installed in the aircraft (for instance galley equipment). Training should be required only for equipment relevant to their role.

**Justification:**  
Remove need for unnecessary training.

**Proposed Text (if applicable):**  
"...shall include training on equipment installed on the aircraft relevant to their role."

comment 1504 comment by: TAP Portugal

**Relevant Text:**  
(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**  
We suggest an editorial amendment to make clear that this paragraph on applies to equipment installed for operational purposes and safety related.

**Proposal:**  
(b) The operator conversion course shall including training on all equipment installed on the aircraft **for operational purposes**.

comment 1505 comment by: TAP Portugal

**Relevant Text:**  
(a) Except in the case of balloons, a flight crew member shall complete the operator conversion training course:  
(1) when changing to an aircraft for which a new type or class rating is required; or  
(2) when commencing at an operator.  
(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**  
The contents of the Operator conversion training is in OR.OPS.135.FC. Delete (b) here.  
Also; One does not need to know how e.g. a coffemaker works, which is also equipment.

**Proposal:**  
Delete (b)

comment 1889 comment by: Southern Cross International

Due to the type of operations of our company (test and ferry flights) and taking into consideration the wide variety of aircraft operated by our company, the extreme short period of time those aircraft are operated, and the fact that the majority of our crews are employed on a contract per flight basis, requiring

an operator conversion training course is not practicable and would be cost-prohibitive.

comment

2063

comment by: *AUSTRIAN Airlines***Relevant Text:**

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

We suggest an editorial amendment to make clear that this paragraph on applies to equipment installed for operational purposes and safety related.

**Proposal:**

(b) The operator conversion course shall including training on all equipment installed on the aircraft **for operational purposes**.

comment

2064

comment by: *AUSTRIAN Airlines***Relevant Text:**

(a) Except in the case of balloons, a flight crew member shall complete the operator conversion training course:

(1) when changing to an aircraft for which a new type or class rating is required; or

(2) when commencing at an operator.

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

The contents of the Operator conversion training is in OR.OPS.135.FC. Delete (b) here.

Also; One does not need to know how e.g. a coffemaker works, which is also equipment.

**Proposal:**

Delete (b)

comment

2359

comment by: *KLM***Relevant Text:**

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

We suggest an editorial amendment to make clear that this paragraph on applies to equipment installed for operational purposes and safety related.

**Proposal:**

(b) The operator conversion course shall including training on all equipment installed on the aircraft **for operational purposes**.

comment

2361

comment by: *KLM***Relevant Text:**

(a) Except in the case of balloons, a flight crew member shall complete the operator conversion training course:

(1) when changing to an aircraft for which a new type or class rating is required; or

(2) when commencing at an operator.

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

The contents of the Operator conversion training is in OR.OPS.135.FC. Delete (b) here.

Also; One does not need to know how e.g. a coffemaker works, which is also equipment.

**Proposal:**

Delete (b)

comment

2537

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

We suggest an editorial amendment to make clear that this paragraph on applies to equipment installed for operational purposes and safety related.

**Proposal:**

(b) The operator conversion course shall including training on all equipment installed on the aircraft ***for operational purposes.***

comment

2538

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(a) Except in the case of balloons, a flight crew member shall complete the operator conversion training course:

(1) when changing to an aircraft for which a new type or class rating is required; or

(2) when commencing at an operator.

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

The contents of the Operator conversion training is in OR.OPS.135.FC. Delete (b) here.

Also; One does not need to know how e.g. a coffemaker works, which is also equipment.

**Proposal:**

Delete (b)

comment

2807

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

We suggest an editorial amendment to make clear that this paragraph on applies to equipment installed for operational purposes and safety related.

**Proposal:**

(b) The operator conversion course shall including training on all equipment installed on the aircraft for operational purposes.

comment 2811 comment by: *Virgin Atlantic Airways*

Relevant Text:

OR.OPS.035.FC Operator conversion training

(a) Except in the case of balloons, a flight crew member shall complete the operator conversion training course:

(1) when changing to an aircraft for which a new type or class rating is required; or

(2) when commencing at an operator.

(b) The operator conversion training course shall include training on **all the equipment installed on the aircraft.**

**Comment:**

It is completely unnecessary to expect crews to be trained in ALL equipment installed on the aircraft (Ovens, Garbage Compactor etc)

**Proposed Text:**

Suggest this is changed to:

(b) The operator conversion training course shall include training on all the equipment **relevant to the safe operation of the aircraft.**

comment 2893 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

We suggest an editorial amendment to make clear that this paragraph on applies to equipment installed for operational purposes and safety related.

**Proposal:**

(b) The operator conversion course shall including training on all equipment installed on the aircraft **for operational purposes.**

comment 2894 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(a) Except in the case of balloons, a flight crew member shall complete the operator conversion training course:

(1) when changing to an aircraft for which a new type or class rating is required; or

(2) when commencing at an operator.

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

The contents of the Operator conversion training is in OR.OPS.135.FC. Delete (b) here.

Also; One does not need to know how e.g. a coffemaker works, which is also equipment.

**Proposal:**

Delete (b)

comment 3483 comment by: *IATA*

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

“all” is too wide

**Proposal:**

..... on the relevant equipment.....

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

It should be clear that ground training does not mean *training by staff* (see AMC 1 OR.OPS 135.FC).

Furthermore “use of all emergency equipment” on a yearly basis is not necessary and too demanding.

**Proposal:**

- clear definition of ground training

- ...use of all emergency equipment on a yearly rotation...

comment 4059

comment by: British Airways

**Relevant Text:**

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

We suggest an editorial amendment to make clear that this paragraph on applies to equipment installed for operational purposes and safety related.

**Proposal:**

(b) The operator conversion course shall including training on all equipment installed and required by the crew members on the aircraft for operational purposes.

comment 4060

comment by: British Airways

**Relevant Text:**

(a) Except in the case of balloons, a flight crew member shall complete the operator conversion training course:

(1) when changing to an aircraft for which a new type or class rating is required; or

(2) when commencing at an operator.

(b) The operator conversion training course shall include training on all the equipment installed on the aircraft.

**Comment:**

The contents of the Operator conversion training is in OR.OPS.135.FC. Delete (b) here.

Also; One does not need to know how e.g. a coffemaker works, which is also equipment.

**Proposal:**

Delete (b)

comment 654

comment by: AEA

**Relevant Text:**

(a) *Flight Crew members shall complete differences or familiarisation training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated*

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

*'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when **additional knowledge is required** when changing equipment or procedures on types or variants currently operated'*

comment 1260

comment by: UK CAA

**Page No:** 13**Paragraph No:** OR.OPS.040.FC (a)

**Comment:** See also UK CAA Comment on OR.OPS.005.GEN. OR.OPS.040.FC(a) provides that flight crew members shall complete differences training when required by Part FCL. What is this intended to add to Part FCL? Is it intended to require the operator to take all reasonable steps to ensure that its flight crew members have completed this training.

comment 1506

comment by: TAP Portugal

**Relevant Text:**

(a) *Flight Crew members shall complete differences or familiarisation training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated*

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

*'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when **additional knowledge is required** when changing equipment or procedures on types or variants currently operated'*

comment 2065

comment by: AUSTRIAN Airlines

**Relevant Text:**

(a) *Flight Crew members shall complete differences or familiarisation*

*training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated*

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

*'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when **additional knowledge is required** when changing equipment or procedures on types or variants currently operated'*

comment

2363

comment by: KLM

**Relevant Text:**

(a) *Flight Crew members shall complete differences or familiarisation training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated*

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

*'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when **additional knowledge is required** when changing equipment or procedures on types or variants currently operated'*

comment

2540

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(a) *Flight Crew members shall complete differences or familiarisation training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated*

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

*'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when **additional knowledge is required** when changing equipment or procedures on types or variants currently operated'*

comment

2895

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

(a) *Flight Crew members shall complete differences or familiarisation training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated*

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

*'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when **additional knowledge is required** when changing equipment or procedures on types or variants currently operated'*

comment

3139

comment by: DGAC

**(a)** : Add the following at the end of (a) :

**"whenever the change requires acquisition of additional knowledge and training by the flight crew"**

comment

3700

comment by: Icelandair

**Relevant Text:**

(a) *Flight Crew members shall complete differences or familiarisation training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated*

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

*'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when **additional knowledge is required** when changing equipment or procedures on types or variants currently operated'*

comment 3701

comment by: AIR FRANCE

**Relevant Text:**

(a) Flight Crew members shall complete differences or familiarisation training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when additional knowledge is required when changing equipment or procedures on types or variants currently operated'

comment 4061

comment by: British Airways

**Relevant Text:**

(a) *Flight Crew members shall complete differences or familiarisation training when required by Part-FCL and when changing equipment or procedures on types or variants currently operated*

**Comment:**

Changing equipment or procedures is very wide. For example minor changes to procedures does not necessarily imply the need for differences or familiarisation training. EU-OPS 1.950 only referred to 'difference training which requires additional knowledge'

**Proposal:**

Realign with EU-OPS.

Amendment the paragraph to read as:

*'Flight Crew members shall complete differences training or familiarisation training when required by Part-FCL and when additional knowledge is required when changing equipment or procedures on types or variants currently operated'*

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 1 -  
OR.OPS.045.FC Recurrent training**

p. 13

comment 358

comment by: Reto Ruesch

OR Ops 045 FC

Recurrent training / annual check

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 479 comment by: *Heli Gotthard*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 498 comment by: *Stefan Huber*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 521 comment by: *Air Zermatt*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 555 comment by: *Air-Glaciers (pf)*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 655 comment by: *AEA*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and

safety equipment carried.

**Comment:**

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is unacceptable since EASA has not produced a Regulatory Impact Assessment and associated safety case which would justify a change to the existing provisions of EU-OPS.

**Proposal:**

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment

785

comment by: *Heli Gotthard AG Erstfeld*

OR Ops 045 FC

Recurrent training / annual check

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

805

comment by: *SHA (AS)*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

823

comment by: *Berner Oberländer Helikopter AG BOHAG*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

925

comment by: *Heliswiss AG, Belp*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National

Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 958

comment by: *Heliswiss*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 981

comment by: *Heliswiss NV*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1005

comment by: *AEA***Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

Make it more general as it's detailed in Chapter 2 and 3

**Proposal:**

*Each flight crew member shall complete the relevant annual recurrent training program.*

comment 1006

comment by: *Dirk Hatebur*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training

(annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1308

comment by: *Catherine Nussbaumer*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1328

comment by: *Jan Brühlmann*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1350

comment by: *Walter Mayer, Heliswiss*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1507

comment by: *TAP Portugal*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is unacceptable since EASA has not produced a Regulatory Impact Assessment and associated safety case which would justify a change to the existing provisions of EU-OPS.

**Proposal:**

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment

1508

comment by: *TAP Portugal***Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

Make it more general as it's detailed in Chapter 2 and 3

**Proposal:**

*Each flight crew member shall complete the relevant annual recurrent training program.*

comment

1546

comment by: *Pascal DREER*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1767

comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

Operation of a balloon is very simple like the aircraft. The necessary flight-training is already guaranteed in the specification for pilot-licences .

comment

2066

comment by: *AUSTRIAN Airlines***Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is unacceptable since EASA has not produced a Regulatory Impact Assessment and associated safety case which would justify a change to the existing provisions of EU-OPS.

**Proposal:**

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment

2067

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

Make it more general as it's detailed in Chapter 2 and 3

**Proposal:**

*Each flight crew member shall complete the relevant annual recurrent training program.*

comment

2210

comment by: *Christophe Baumann*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2232

comment by: *Benedikt SCHLEGEL*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2237

comment by: *HDM Luftrettung gGmbH*

OR.OPS.045.FC:

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2364

comment by: *KLM***Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and

safety equipment carried.

**Comment:**

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is unacceptable since EASA has not produced a Regulatory Impact Assessment and associated safety case which would justify a change to the existing provisions of EU-OPS.

**Proposal:**

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment

2365

comment by: *KLM*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

Make it more general as it's detailed in Chapter 2 and 3

**Proposal:**

*Each flight crew member shall complete the relevant annual recurrent training program.*

comment

2541

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is unacceptable since EASA has not produced a Regulatory Impact Assessment and associated safety case which would justify a change to the existing provisions of EU-OPS.

**Proposal:**

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment

2542

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

Make it more general as it's detailed in Chapter 2 and 3

**Proposal:**

*Each flight crew member shall complete the relevant annual recurrent training*

*program.*

comment 2708 comment by: *Philipp Peterhans*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2809 comment by: *Virgin Atlantic Airways*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is unacceptable since EASA has not produced a Regulatory Impact Assessment and associated safety case which would justify a change to the existing provisions of EU-OPS.

**Proposal:**

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment 2828 comment by: *Ph.Walker*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2896 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is unacceptable since EASA has not produced a Regulatory Impact Assessment and associated safety case which would justify a change to the existing provisions of EU-OPS.

**Proposal:**

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment

2897

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

Make it more general as it's detailed in Chapter 2 and 3

**Proposal:**

*Each flight crew member shall complete the relevant annual recurrent training program.*

comment

3240

comment by: *Hans MESSERLI*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3468

comment by: *Trans Héli (pf)*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3572

comment by: *Heliswiss International*

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check,

Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3703

comment by: AIR FRANCE

## Relevant Text:

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

## Comment:

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is not supported by a Regulatory Impact Assessment and associated safety case to change the existing provisions of EU-OPS.

## Proposal:

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment 3705

comment by: AIR FRANCE

## Relevant Text:

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

## Comment:

Make it more general as it's detailed in Chapter 2 and 3

## Proposal:

Each flight crew member shall complete the relevant annual recurrent training program.

comment 3766

comment by: Swiss Helicopter Group

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3862

comment by: Eliticino SA

Recurrent training : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6

months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 4062

comment by: *British Airways***Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

This proposal is more demanding than EU OPS ( Appendix 1 to OPS 1.965 (a)(3)) which distinguishes between safety equipment to be trained every year (such as for example actual handling of fire extinguishers etc) and safety equipment to be trained every 3 years (such as for example the actual operation of all type of exits etc). This is unacceptable since EASA has not produced a Regulatory Impact Assessment and associated safety case which would justify a change to the existing provisions of EU-OPS.

**Proposal:**

Realign with EU-OPS Appendix 1 to OPS 1.965 (a)(3)

comment 4064

comment by: *British Airways***Relevant Text:**

Each flight crew member shall complete annual recurrent aircraft flight and ground training relevant to the type or variant of aircraft on which he/she operates, including training on the location and use of all emergency and safety equipment carried.

**Comment:**

Make it more general as it's detailed in Chapter 2 and 3

**Proposal:**

*Each flight crew member shall complete the relevant annual recurrent training program*

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 1 -  
OR.OPS.050.FC Pilot qualification to operate in either pilot's seat**

p. 14

comment 657

comment by: *AEA***Relevant Text:**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**Comment:**

There should not be a requirement for specific training and checking in case of in-flight relief (above FL200).

**Proposal:**

Amend the paragraph to read as 'Flight crew members who may be assigned in either pilot's seat **below FL200** shall complete appropriate training and checking as specified in the operations manual.

comment

881

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.050.FC: Add text from App 1 EU-OPS 1.968:

Pilot qualification to operate in either pilot's seat

(a) Commanders whose duties also require them to operate in the right-hand seat and carry out the duties of co-pilot, or commanders required to conduct training or examining duties from the right-hand seat, shall complete additional training and checking as specified in the Operations Manual, concurrent with the operator proficiency checks prescribed in JAR-OPS 1.965(b). This additional training must include at least the following:

- (1) An engine failure during take-off;
- (2) A one engine inoperative approach and go-around; and
- (3) A one engine inoperative landing.

(b) When engine-out manoeuvres are carried out in an aeroplane, the engine failure must be simulated.

(c) When operating in the right-hand seat, the checks required by JAR-OPS for operating in the left-hand seat must, in addition, be valid and current.

(d) A pilot relieving the commander shall have demonstrated, concurrent with the operator proficiency checks prescribed in OPS 1.965(b), practice of drills and procedures, which would not, normally, be the relieving pilot's responsibility. Where the differences between left and right seats are not significant (for example because of use of autopilot) then practice may be conducted in either seat.

(e) A pilot other than the commander occupying the left-hand seat shall demonstrate practice of drills and procedures, concurrent with the operator proficiency checks prescribed in OPS 1.965(b), which would otherwise have been the commander's responsibility acting as pilot non-flying. Where the differences between left and right seats are not significant (for example because of use of autopilot) then practice may be conducted in either seat.

Justification:

The combination of different EU-OPS sentences makes this text ambiguous. This could be understood in a way that the training content will be specified by each operator individually on AMC level, while the intention is that the content is according App 1 EU-OPS 1.968, which is then repeated in the OM. Ambiguities like these are not allowed in EU law.

Downgrading of these requirements to AMC is not acceptable.

comment

1509

comment by: *TAP Portugal*

**Relevant Text:**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**Comment:**

There should not be a requirement for specific training and checking in case of in-flight relief (above FL200).

**Proposal:**

Amend the paragraph to read as 'Flight crew members who may be assigned in either pilot's seat **below FL200** shall complete appropriate training and checking as specified in the operations manual.'

comment

2068

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**Comment:**

There should not be a requirement for specific training and checking in case of in-flight relief (above FL200).

**Proposal:**

Amend the paragraph to read as 'Flight crew members who may be assigned in either pilot's seat **below FL200** shall complete appropriate training and checking as specified in the operations manual.

comment

2366

comment by: *KLM***Relevant Text:**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**Comment:**

There should not be a requirement for specific training and checking in case of in-flight relief (above FL200).

**Proposal:**

Amend the paragraph to read as 'Flight crew members who may be assigned in either pilot's seat **below FL200** shall complete appropriate training and checking as specified in the operations manual.

comment

2543

comment by: *Deutsche Lufthansa AG***Relevant Text:**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**Comment:**

There should not be a requirement for specific training and checking in case of in-flight relief (above FL200).

**Proposal:**

Amend the paragraph to read as 'Flight crew members who may be assigned in either pilot's seat **below FL200** shall complete appropriate training and checking as specified in the operations manual.

comment

2898

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**Comment:**

There should not be a requirement for specific training and checking in case of in-flight relief (above FL200).

**Proposal:**

Amend the paragraph to read as 'Flight crew members who may be assigned in either pilot's seat **below FL200** shall complete appropriate training and checking as specified in the operations manual.

comment 3066 comment by: *Virgin Atlantic Airways*

**Relevant Text:**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**Comment:**

There should not be a requirement for specific training and checking in case of in-flight relief (above FL200).

**Proposal:**

Amend the paragraph to read as 'Flight crew members who may be assigned in either pilot's seat **below FL200** shall complete appropriate training and checking as specified in the operations manual.

comment 3370 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

Pilots flying on either pilot's seat above FL200 should not have to complete an appropriate training.

**Proposal**

The sentence should be amended as : "Flight crew members who may be assigned to operate in either pilot's seat below FL200 shall complete appropriate training and checking as specified in the operations manual."

**Justification**

obvious

comment 4065 comment by: *British Airways*

**Relevant Text:**

Flight crew members who may be assigned to operate in either pilot's seat shall complete appropriate training and checking as specified in the operations manual.

**Comment:**

There should not be a requirement for specific training and checking in case of in-flight relief (above FL200).

**Proposal:**

Amend the paragraph to read as 'Flight crew members who may be assigned in either pilot's seat **below F L200** shall complete appropriate training and checking as specified in the operations manual.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 1 -  
OR.OPS.055.FC Operations on more than one type or variant**

p. 14

comment 658 comment by: *AEA*

**Relevant Text:**

OR.OPS.055.FC Operations on more than one type or variant

(a) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section for each type or variant, unless credits related to the training, checking, and recent

experience requirements are approved in accordance with Part21 for the relevant types or variants.

(b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**Comment:**

Adjust the text so that the link with the Operational Suitability Certificate and the possibility to get credit from the O-SC is clearer. This comment should not be interpreted as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but it should be seen as a desire for the operators to get credits from the outcome of the current JOEB process

**Proposal:**

Amend the text to read as:

(a)... unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

comment

1510

comment by: TAP Portugal

**Relevant Text:**

OR.OPS.055.FC Operations on more than one type or variant

(a) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section for each type or variant, unless credits related to the training, checking, and recent experience requirements are approved in accordance with Part21 for the relevant types or variants.

(b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**Comment:**

Adjust the text so that the link with the Operational Suitability Certificate and the possibility to get credit from the O-SC is clearer. This comment should not be interpreted as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but it should be seen as a desire for the operators to get credits from the outcome of the current JOEB process

**Proposal:**

Amend the text to read as:

(a)... unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

comment

1759

comment by: Airbus

**Page 15 OR.OPS.055.FC Operation on more than one type or variant:**

(a) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section for each type or variant, unless credits related to the training, checking, and recent experience requirements are approved in accordance with Part21 for the relevant types or variants.

(b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**Comment 1:** Based on the proposal for an OSC (NPA 2009-01), the above underlined text should be adjusted so that the link with the Operational

Suitability Certificate is clearer

**Proposal : OR.OPS.055FC (a) to read:**

(a)... unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

**Comment 2:** the above highlighted statement is now correct, but is unfortunately not adequately reflected in other OR.OPS paragraphs, as when transferring the former JAR-OPS, the Appendix1 to OPS 1.980 has been transferred into AMC material by EASA. In order to restore the specific authorization for credit at **law** level, a number of additional changes are required. See proposals made for:

- OR.OPS.145 FC Recurrent training and checking
- OR.OPS.155.FC Operation on more than one type or variant

comment

2070

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

OR.OPS.055.FC Operations on more than one type or variant

(a) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section for each type or variant, unless credits related to the training, checking, and recent experience requirements are approved in accordance with Part21 for the relevant types or variants.

(b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**Comment:**

Adjust the text so that the link with the Operational Suitability Certificate and the possibility to get credit from the O-SC is clearer. This comment should not be interpreted as AUSTRIAN support for the current O-SC concept and processes (see AUSTRIAN comments to NPA 2009-1) but it should be seen as a desire for the operators to get credits from the outcome of the current JOEB process

**Proposal:**

Amend the text to read as:

(a)... unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

comment

2368

comment by: *KLM*

**Relevant Text:**

OR.OPS.055.FC Operations on more than one type or variant

(a) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section for each type or variant, unless credits related to the training, checking, and recent experience requirements are approved in accordance with Part21 for the relevant types or variants.

(b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**Comment:**

Adjust the text so that the link with the Operational Suitability Certificate and the possibility to get credit from the O-SC is clearer. This comment should not

be interpreted as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but it should be seen as a desire for the operators to get credits from the outcome of the current JOEB process

**Proposal:**

Amend the text to read as:

(a)... unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

comment 2544

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

OR.OPS.055.FC Operations on more than one type or variant

(a) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section for each type or variant, unless credits related to the training, checking, and recent experience requirements are approved in accordance with Part21 for the relevant types or variants.

(b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**Comment:**

Adjust the text so that the link with the Operational Suitability Certificate and the possibility to get credit from the O-SC is clearer. This comment should not be interpreted as Lufthansa support for the current O-SC concept and processes (see Lufthansa comments to NPA 2009-1) but it should be seen as a desire for the operators to get credits from the outcome of the current JOEB process

**Proposal:**

Amend the text to read as:

(a)... unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

comment 2899

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

OR.OPS.055.FC Operations on more than one type or variant

(a) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section for each type or variant, unless credits related to the training, checking, and recent experience requirements are approved in accordance with Part21 for the relevant types or variants.

(b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**Comment:**

Adjust the text so that the link with the Operational Suitability Certificate and the possibility to get credit from the O-SC is clearer. This comment should not be interpreted as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but it should be seen as a desire for the operators to get credits from the outcome of the current JOEB process

**Proposal:**

Amend the text to read as:

(a)... unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

comment

4067

comment by: *British Airways***Relevant Text:**

OR.OPS.055.FC Operations on more than one type or variant

(a) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section for each type or variant, unless credits related to the training, checking, and recent experience requirements are approved in accordance with Part 21 for the relevant types or variants.

(b) Appropriate procedures and/or operational restrictions shall be specified in the operations manual for any operation on more than one type or variant.

**Comment:**

Adjust the text so that the link with the Operational Suitability Certificate and the possibility to get credit from the O-SC is clearer. This comment should not be interpreted as BA support for the current O-SC concept and processes but it should be seen as a desire for the operators to get credits from the outcome of the current JOEB process

**Proposal:**

Amend the text to read as:

(a)... unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 1 -  
OR.OPS.060.FC Provision of training**

p. 14

comment

145

comment by: *EHOc*Missing Rule (post the one shown)

It is not clear why 'Training Records' has been transferred to the MLR section from the training section. Whilst it is a record of training, it is an instruction to the operator about the recording and availability of these records rather than an instruction for the storage (which is contained in the immediate section above).

It should be returned to the FC section:

"OR.OPS.065.FC Training records

The operator shall:

(a) Maintain records of all training, checking and qualification prescribed in this Section undertaken by a flight crew member; and

(b) Make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned."

comment

412

comment by: *CAA-NL*

Comment regarding:

(a) in accordance with the training programmes and syllabi established by the operator in

the OM;

EU-OPS described ...and approved by the authority.

Question CAA-NL:  
Is this still valid?

comment

1973

comment by: *Southern Cross International*

Due to the type of operations of our company (test and ferry flights) and taking into consideration the wide variety of aircraft operated by our company, the different equipment fits for each of those aircraft, the extreme short period of time those aircraft are operated, and the fact that the majority of our crews are employed on a contract per flight basis, requiring an operator training program is not practicable as these crew members will be compliant with the training programme established by their regular employer for the subject type of aircraft. See also OPS.SPA.020.GEN (b)

comment

2289

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

Should state: (a) in accordance with the training programmes and syllabi established by the operator in the OM **or approved Training Manual;**

comment

3140

comment by: *DGAC*

In b), what is the meaning of « flight training »?

It should be clarified that this is only applicable to proficiency checks

If it includes line checks, there is a problem, as EU-OPS and section 2 of JAR-OPS 1 as updated and included in our "IOPS" allows for a PIC who is not an instructor to conduct line-checks. Part FCL requires that it is a TRI/CRI/SFI.

comment

3418

comment by: *Swiss International Airlines / Bruno Pfister*

### Relevant Text

NPA 2009-02 **A** Explanatory Notes / Appendix II / Explanatory Memorandum to Subpart OR.OPS  
Footnote 29

Finally, EU-OPS 1.978, which allows operators to establish alternative training and qualification programmes, was not transposed as such a flexibility is already built in the new set of rules since the training requirements are now AMC material and the right to deviate that was necessary in the EU-OPS framework is not needed any more. In this new context, if an operator wants to develop a training programme that does not follow the related AMC, it will have to use the mechanism foreseen in Part-AR and Part-OR to deal with alternative means of compliance.

### Comment:

*This statement neglects to take into consideration the full extent of EU-OPS 1.978. EU-OPS 1.978 not only allows for flexibility in the training programme but in addition prescribes an alternative schedule for checking under which 12*

*month OPC validity, 24 month Line Check validity and 24 month SEP validity periods may be approved.*

NPA 2009-02C OR.OPS and AMC.OR.OPS, does not include any facility that allows training and checking under an Alternative Training and Qualification Program (ATQP) as is stated in the current EU-OPS 1.978 Alternative Training and Qualification Program.

The omission of this alternative checking schedule would have a significantly negative impact on the flight crew training of Swiss international Air Lines. To establish an ATQP training program requires effort regarding all kind of resources. Without the integrated enhanced validity periods allocating of resources in the required extend could not be justified. We argue that an ATQP program is an amalgam of both training AND checking and that enhanced validity periods are integral to the package. Currently note 29 refers only to the training element.

We don't believe it was the intent of the EU Legislator when tasking EASA to prepare the Implementing Rules to omit this regulation and there is no safety justification for this change.

### **Rationale and Proposal for an ATQP under OR.OPS.xx.FC**

ATQP program in Swiss International Air Lines has a proven safety benefit demonstrated

An Operator can via the ATQP administer a wider specter of training, focusing on specific skills or knowledge that the Flight Crew should master, equaling or increasing the overall Flight Crew performance compared with the performance obtained pre-ATQP. The ATQP enables Swiss International Air Lines to adapt the training needs and optimize time and money spent on expensive Full Flight Simulators. The ability within the ATQP to fit the training needs of different aircraft types makes the ATQP unsurpassed as training program compared to the traditional rule based training program it is complementing.

EU-OPS is strictly defining the training program, both contents and intervals that Operators must follow for training and checking of Flight Crew. The rules have hardly been changed the last 10 years.

However, new technology, aircraft, navigation equipment, infrastructure and training aids have been continuously developed and this should somehow be included in the training program.

The one and only opportunity addressing these issues of tailored training adaptations under the current regulations is via the EU-OPS 1.978 Alternative Training and Qualification Program.

Training performed under ATQP has a tremendous Safety Benefit to the Operators, as proven in their individual safety cases. The Operator must fulfill strict entry requirements before entering an ATQP, in example a Safety Case, Task Analysis, LOE, LOQE, Feedback Loop and a FDM program. This ensures a standard not less than would be achieved under the requirements of OR.OPS, even when extending the validity periods of some of the requirements of OR.OPS, and replacing some OR.OPS regulated training by valuable operator specific training for crews.

Most of the content in the current EU-OPS will be transported into the new EASA OPS. The Operators must rewrite their Operation Manuals according to the new EASA OPS structure, but the content is more or less the same. In this context it is regrettable that the provisions found in EU-OPS 1.978, according to the NPA is not planned transported into the EASA OPS.

*The NPA in its current version is effectively shutting down all ATQP implemented throughout Europe without offering solutions on how such a superior training program can run under the new EASA OPS.*

### **ATQP Program of Swiss International Air Lines**

History: Swiss (air) started with the preparation for an ATQP in 2000

Early versions of JAR-OPS had provisions for AQP, but lacked guidance for how the program should look like. This is one of the reasons, why the former Swissair and Swiss International Air Lines were set back in going live with its program.

Later revisions of JAR-OPS 1 changed the AQP into ATQP and included appendixes, AMC/ACJ and IEM. The Operators now have the means for developing, under the supervision of the authorities, a functioning ATQP.

Swiss developed and approved the required components ongoing  
(See Table 1 Appendix A)

#### **Milestones:**

Date of issue	Content	Aircrafts	Training	Extended Validity
1. January 2008	FOCA provided Letter of authorization based on the requirements of JAR OPS 1.987	A319,A320,A321, A330, A340	OPC ESET Line Checks CRM	NIL
1. January 2009	FOCA provided Letter of approval based on the requirements of JAR OPS 1.987	A319,A320,A321, A330, A340	OPC ESET Line Checks CRM	OPC ESET Line Checks CRM

Swiss International Air Lines is therefore suggesting that the ATQP shall be continued as stated in EU-OPS 1.978 as an option for Operators for administering Flight Crew training and checking.

The complete EU-OPS 1.978 text, including appendix, shall be copied into EASA OPS. (Former JAR-OPS 1 Part into the Law Part of EASA Framework and Appendixes into AMC part).

Swiss International Air Lines therefore requests that FOCA further on is enabled to approve the ATQP Programme including the authorization of extended validity periods of

- (1) Operator proficiency check**
- (2) Line Check**
- (3) Emergency and Safety equipment checking**

Details as stated below

**Proposal:**

Include the following (new) regulation and associated AMC:

**AMC OR.OPS.xx.FC - Alternative training and qualification programme**

- (a)** An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in OR.OPS by an Alternative Training and Qualification Programme (ATQP) approved by the Competent Authority. The two years continuous operations may be reduced at the discretion of the Competent Authority.
- (b)** The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OR.OPS. The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.
- (c)** An operator applying for approval to implement an ATQP shall provide the Competent Authority with an implementation plan.
- (d)** In addition to the checks required by OR.OPS an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).
- (1) The Line Orientated Evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.
  - (2) The period of validity of an LOE shall be 12 calendar months, in addition to the remainder of the month of issue. If issued within the final 3 calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.
- (e)** After 2 years of operating within an approved ATQP an operator may, with the approval of the Authority, extend the periods of validity as defined in OR.OPS as follows:
- (1) Operator proficiency check - 12 calendar months in addition to the remainder of the month of issue. If issued within the final 3 calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check.
  - (2) Line Check - 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a Line Oriented Quality Evaluation (LOQE) with the approval of the Competent Authority.

(3) Emergency and Safety equipment checking – 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.

(f) The ATQP shall be the responsibility of a nominated post holder.

#### **AMC.OR.OPS.~~xx~~.FC Alternative Training and Qualification Program**

(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:

- (1) Low Visibility Operations – Training and Qualifications
- (2) Conversion training and checking
- (3) Differences training and familiarisation training
- (4) Nomination as commander
- (5) Recurrent training and checking
- (6) Pilot qualification to operate in either pilots's seat
- (7) Operation on more than one type or variant

(b) Components of the ATQP - An Alternative Training and Qualification Programme shall comprise the following:

- (1) Documentation that details the scope and requirements of the programme;
- (2) A task analysis to determine the tasks to be analysed in terms of:
  - (i) knowledge;
  - (ii) the required skills;
  - (iii) the associated skill based training; and
  - (iv) where appropriate, the validated behavioural markers.
- (3) Curricula – the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Competent Authority;
- (4) A specific training programme for:
  - (i) each aeroplane type/class within the ATQP;
  - (ii) the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating - CRI/SFI/TRI), and other personnel undertaking flight crew instruction;
  - (iii) the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner - CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;
- (5) A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;
- (6) A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OR.OPS;
- (7) An integrated system of quality control, that ensures compliance with all the requirements, processes and procedures of the programme;
- (8) A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established

proficiency and qualification standards for flight crew; and  
 (9) A Data Monitoring/Analysis programme.

**(c)** Implementation - The operator shall develop an evaluation and implementation strategy acceptable to the Authority; the following requirements shall be fulfilled:

(1) The implementation process shall include the following stages:

(i) A safety case that substantiates the validity of:

(A) The revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.

(B) Any new training methods implemented as part of ATQP.

If approved by the Competent Authority the operator may establish an equivalent method other than a formal safety case.

(ii) Undertake a task analysis as required by paragraph (b)(2) above in order to establish the operator's programme of targeted training and the associated training objectives;

(iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the Competent Authority;

(2) The operator may then be approved to conduct training and qualification as specified under the ATQP.

If the proposed text to an OR.OPS.070.FC Alternative Training and Qualification Program and AMC.OR.OPS.070.FC Alternative Training and Qualification Program is not feasible Swiss International Air Lines would like the following:

- A defined ATQP structure and process (components, timeline, grandfather rights)
- An ability to extend the validity periods of the OPC, Line Check and Emergency/Safety Checks as per EU-OPS 1.978 Alternative Training and Qualification Program

Swiss International Air Lines do not want to lose the benefits the company has gained by following the EU-OPS ATQP process, and the ability to vary the periods of validity is fundamental to this. Swiss International Airlines is also concerned that the only way to achieve an ATQP under EASA OPS is by an Alternative Means of Compliance.

Swiss International Air Lines is sincerely hoping that EASA will consider this comment thoroughly. Training under ATQP is proven superior to traditional training and Swiss International Air Lines would like to exploit the opportunities in the program further on.

**Appendix A**

**Components of an ATQP Swiss International Airlines**

**All Components are thoroughly developed, refined and approved by Swiss FOCA**

	Component	Method	Goal
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1	Documentation of knowledge and skills KSA in aviation	Theoretical research	Definition and selection of the relevant knowledge and skills Definition and exact description of all relevant knowledge and skill types regarding pilot performance CRM acc. NOTECHS Framework
2	Job Task Listing Tasklistings A3xx	Generic TL with all relevant tasks, subtask, elements,	The job task listing contains all relevant tasks, subtasks and elements of the job for each crewmember, described in terms of knowledge and skills for both technical and nontechnical skills
3	Job Task Analysis Taskanalysis A3xx	Determine the tasks to be analyzed in terms of: · knowledge; · the required skills; · the associated skill based training; and where appropriate · the validated behavioral markers.  Development of a dynamical database linked to the respective Tasklisting (A3xx)  Analysis of the Tasklisting to define and to prioritise training objectives and training issues.	Containing calculation of key task and subtask Containing elements which state the required skills and behaviours
	Pilot Qualification Glossary (English, French, German)	Description of the relevant criteria Description and examples of the required level of skills examples of good behaviours Examples of poor behaviours	Standardization of assessments Enhance objectivity, reliability and validity of qualifications

4	<p><b>Instructor Training</b></p> <p>Instructor initial and continuous training</p>	<p>method for the standardization of the instructors and examiners;</p> <p>Transferring the findings of Taskanalysis to define the band-width of acceptable performance regarding each relevant training issue in terms of knowledge and skills</p> <p>The respective criteria are described in depth in a Glossary</p>	<p>Flight Instructors are educated, trained and standardized regarding training and evaluation of technical and behavioral issues and elements.</p>
5	<p><b>Syllabus Optimizing</b></p>	<p>Taskanalysis provides main training objectives, main training issues and observation markers</p> <p>LOFT training and evaluating included in Simulator Check Program</p>	<p>Curriculum meets specific training issues based on the applicable JAR Chapter, the Job Task analysis, the general operational knowledge.</p> <p>Specific Training goals are defined for each training programme</p>
5.1	<p>LOFT integrated CRM program (LIC):</p>	<p>LIC Knowledge Guide</p> <p>LIC: training guides contain background information based on theoretical research and case based studies regarding the identified knowledge and skills</p> <p>Different for each years /half years check Program</p> <p>Briefing: general Issue is discussed and clarified</p> <p>LOFT: application of related behaviors and skills</p> <p>Debriefing: Review and evaluation of respective knowledge and skills</p>	<p>Provide pilots and instructors with basic and advanced knowledge regarding the identified training item</p>

5.2	<b>LOE</b> Line Oriented Evaluation	Applied in Simulator Scenario covering specific elements identified by performance analysis of simulator checks and Flight Safety Data is included in the simulator check program.	Evaluation and analysis on the group level Evaluation of training programm Identification of further target areas of training items
6.1	<b>Quality control</b> Individual Pilot	Individual Pilot Performance Individual Qualification Process based upon criteria according EU-OPS 1.945, 1.965 and 1.970. acceptable CRM behaviors and performance levels based on the pilot qualification glossary For pass/fail purposes, pilots must demonstrate proficiency in scenarios that test both technical and crew resource management skills together	Quality Control at the Individual Pilot Level Identification of underperforming pilots  A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;
6.2	Quality Control Curricula	Performance of specific ATQP elements (Quality of actual LOW VIS Approach) are closely tracked by ADAS) Overall Group measurement based upon summary of individual pilot performance assessment FODA, FOQA Group Performance Flight Safety Data (e.g. ADAS)	Quality Control at the Group Performance Level: A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;  ensures compliance with all the requirements processes and procedures of the ATQP programme;  Identification of further target areas of training items

	Line Oriented Quality Evaluation) LOQE	Applied during normal Line Operations Specific elements, identified by performance analysis of simulator checks and flight safety data not traceable by ADAS are included in the line check program LOQE Forms contain specific skill markers (elements) Behaviour and Skill observation and rating by Line Check Examiners (TRE) during LC specially signed LOQE Auditors (LOQE 2010)	Quality control of the curricula Goal: 50 observations fleet / year Performed during LC by examiners In addition performed by Swiss LOQE auditors from 2010
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**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 2**

p. 14

comment

1783

comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

From our point of view, commercial operations with balloons are not CAT. The sum of the following specifications are not applicable for balloons. EASA has to find lower requirements for:

130-b) not applicable

135.FC b+c) we need no conversion-course.

Balloons are always very similar. Therefore the hot-air-balloon for example is one type on the certificates, although there are different manufacturers.

145.FC b3) operator proficiency-check and emergency and safety equipment check/training shall be every 24-month (including first-aid-training)

145.FC.f) extra Ground training ist not nessecary for flight-crew of balloons

Take all these comments also for Chapter 3 in your mind.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 2 - OR.OPS.115.FC Composition of Flight Crew**

p. 14-15

comment

163

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.115.FC(b): change as follows:

(a) Inexperienced flight crew members shall not be part of the same flight crew.

(b) The pilot-in-command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the

requirements of OR.OPS.020(b).

~~The delegation shall include all the responsibilities of the pilot in command.~~

Justification:

From a legal standpoint, there can only be one pilot in command of the aircraft, passengers, crew members and cargo. This responsibility can not be delegated.

comment 240

comment by: ECA - European Cockpit Association

Comment on OR.OPS.115.FC(b): change as follows:

(b) The pilot-in-command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the requirements of ~~OR.OPS.020(b)~~ **OR.OPS.020.FC (b)**.

The delegation shall include all the responsibilities of the pilot in command.

Justification:

OR.OPS.020(b) doesn't exist.

comment 241

comment by: ECA - European Cockpit Association

Comment on OR.OPS.115.FC(c)(2)(i): delete as follows and replace with original wording from Appendix 2 to EU OPS 1.940 (a):

~~(i) The pilot has undertaken training on the operator's procedures, in particular regarding The operator shall include in the Operations Manual a pilot's conversion and recurrent training programme which includes the additional requirements for a single pilot operation; In particular, the cockpit procedures must include:~~

- Engine management and emergency handling;
- Use of normal, abnormal and emergency checklist;
- ATC communication;
- Departure and approach procedures;
- Autopilot management, if applicable; and
- Use of simplified inflight documentation;

Justification:

This restores the requirement for a comprehensive specific single pilot training program.

comment 242

comment by: ECA - European Cockpit Association

Comment on OR.OPS.115.FC(c)(2)(iii): change text as follows:

(iii) For operations under IFR **and at night**:

- - The pilot has a minimum of 50 hours flight time under IFR on the relevant type or class of aeroplane, of which 10 hours as pilot-in-command; and
- - The pilot has completed 5 IFR flights, including 3 instrument approaches, in a single-pilot role, or undertaken an IFR instrument approach check during the preceding 90 days on the relevant type

or class of aeroplane; and

**(iv) For operations at night:**

~~— The pilot has a minimum of 15 hours flight time at night which may be included in the 50 hours flight time under IFR in paragraph (iii) above; and~~

~~— The pilot has completed three takeoffs and landings at night on the type or class of aeroplane in the single pilot role, or undertaken a night takeoff and landing check during the preceding 90 days on the relevant type or class of aeroplane.~~

Justification:

This was the EU OPS requirement. IFR and night flights shall be under the same rule. Moreover, in northern parts of Europe, the night recency requirement will be outrageously burdensome for no safety benefit.

comment

243

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.115.FC: Reintroduce recent experience required by JAR OPS 1.970 from FCL.060 to this paragraph.

Justification:

The transfer of responsibility for recency from operators to crew members is desirable.

comment

359

comment by: *Reto Ruesch*

OR Ops 145 FC

b) Operator prof. Check / 6 months

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

360

comment by: *Reto Ruesch*

OR Ops 145 FC

c) Line check / 12 months

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

361

comment by: *Reto Ruesch*

OR Ops 145 FC

d) Emergency + safety training / 12 months

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 362

comment by: *Reto Ruesch*

OR Ops 145 FC  
e 2) CRM max 3 years valid

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 363

comment by: *Reto Ruesch*

OR Ops 145 FC  
f) Ground training / 12 months

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 413

comment by: *CAA-NL*

Comment regarding:

a) Inexperienced flight crew members shall not be part of the same flight crew.

Suggestion:

rephrasing: ...crewing together of inexp...

Reason: Statement is not clear

comment 661

comment by: *AEA*

**Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-

Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment

690

comment by: Dassault Aviation

Technical comment.

Page 14 OR.OPS.115.FC §(c)(1): first reading may be confusing, since one may think that the part of the sentence reading "*with a MPSC of more than 9*" applies as well to all turbojet aeroplanes. To avoid any confusion, we propose to re-word the sentence as follows: "*the minimum flight crew shall be 2 pilots for all turbo-propeller aeroplanes with a maximum passenger seating configuration of more than 9 and all turbojet aeroplanes*".

comment

691

comment by: Dassault Aviation

Technical comment.

Page 14 OR.OPS.115.FC §(c)(1): this paragraph requires 2 pilots minimum as soon as the aircraft is turbojet-equipped and is operated under CAT and IFR or at night. This paragraph should allow provisions as regards to the minimum flight crew if it is demonstrated through the OSC - and provided the Airplane Flight Manual allows it - that another concept of minimum flight crew is acceptable. These IRs AIR OPERATIONS being the future regulations, they should take into account possible future design evolutions, where the minimum flight crew may be re-arranged compared to what is required since decades. We therefore propose to introduce sub-paragraphs (i) and (ii) and reword §(c)(1) as follows:

*(c) Specific requirements for aeroplanes operations under IFR or at night.*

*(1) The minimum flight crew shall be:*

***(i) 2 pilots for all turbo-propeller aeroplanes with a maximum passenger seating configuration of more than 9 and all turbojet aeroplanes, or***

***(ii) Approved through Part 21.***

comment

755

comment by: Civil Aviation Authority of Norway

In paragraph (c)(2)(iii), last bullet, we find a requirement that 5 IFR flights and 3 instrument approaches or an IFR instrument approach check, no older than 90 days, must be performed "*...on the relevant type or class of aeroplane.*"

In paragraph (d)(2)(iii), last bullet, we find the corresponding requirements for helicopters. However, here we find that the requirements must be performed "*...on the relevant type of helicopter or FSTD.*"

We assume this to be a mistake, that an FSTD can be used for helicopters but not for aeroplanes.

However, adding FSTD to the aeroplane regulation does not solve all:

We also draw your attention to the fact that the definition of FSTD includes BITD. We assume it is not intended to let anyone maintain their proficiency by using such a basic instrument training device. So one should perhaps change "FSTD" in above paragraph to read "FTD or FFS"?

comment

786

comment by: *Heli Gotthard AG Erstfeld*

OR Ops 145 FC

b) Operator prof. Check / 6 months

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

OR Ops 145 FC

c) Line check / 12 months

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

OR Ops 145 FC

d) Emergency + safety training / 12 months

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

OR Ops 145 FC

e 2) CRM max 3 years valid

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

OR Ops 145 FC

f) Ground training / 12 months

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on

each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 824 comment by: *Berner Oberländer Helikopter AG BOHAG*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 825 comment by: *Berner Oberländer Helikopter AG BOHAG*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 826 comment by: *Berner Oberländer Helikopter AG BOHAG*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 827 comment by: *Berner Oberländer Helikopter AG BOHAG*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 828 comment by: *Berner Oberländer Helikopter AG BOHAG*

f) : Owing to the high number of checks it should be possible to combine with

PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 926

comment by: Heliswiss AG, Belp

b) Operator prof. Check / 6 months

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

c) Line check / 12 months

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

d) Emergency + safety training / 12 months

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

e 2) CRM max 3 years valid

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 927

comment by: Heliswiss AG, Belp

f) Ground training / 12 months

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 959

comment by: *Heliswiss*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 960

comment by: *Heliswiss*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 961

comment by: *Heliswiss*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 962

comment by: *Heliswiss*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

- comment 982 comment by: *Heliswiss NV*
- b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 983 comment by: *Heliswiss NV*
- c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 984 comment by: *Heliswiss NV*
- d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 1007 comment by: *AEA*
- Relevant Text:**  
 (b) The pilot in command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the requirements of OR.OPS.020(b).  
 The delegation shall include all the responsibilities of the pilot in command.
- Comment:**  
 There's a conflict with the non existence of the function/role as commander. Only one pilot can have final responsibility. Use EU-OPS 1.940
- Proposal:**  
*5. one pilot amongst the flight crew, qualified as a pilot-in-command in accordance with the requirements governing Flight Crew Licenses, is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot; and*
- comment 1240 comment by: *Austro Control GmbH*
- As requested in NPA Part 02a, point 48 to single pilot IFR, following statement

is given:  
Austria is against commercial single pilot operation IFR/night because of a safety concern and never has given an approval for such operations. Therefore it is recommended to delete the whole paragraph (c) (2) for aeroplanes. For helicopters delete (d) (2).

comment

1261

comment by: UK CAA

**Page No:** 14**Paragraph No:**  
OR.OPS.115.FC(a)**Comment:**  
The requirement is ambiguous.**Justification:** The English is imprecise as it could mean that inexperienced flight crew members shall not be part of the same flight crew as some other, unspecified, people.**Proposed Text (if applicable):**  
(a) There shall not be more than one inexperienced flight crew member in any flight crew.

comment

1262

comment by: UK CAA

**Page No:** 14**Paragraph No:**  
OR .OPS.115.FC (c)(1)**Comment:** This paragraph could be mis-interpreted. The inclusion of 'and' between 'all turbojet aeroplanes' and 'all turbo-propeller aeroplanes' could imply that for a turbojet aeroplane with 9 seats or less, only one pilot is required.**Justification:** Need for clarification.**Proposed Text (if applic able):** For all turbo-propeller aeroplanes with a maximum approved passenger seating configuration of more than 9 and for all turbo-jet aeroplanes, the minimum flight crew shall be 2 pilots.

comment

1263

comment by: UK CAA

**Page No:** 14**Paragraph No:**  
OR.OPS.115.FC Composition of Flight Crew para (c)(2)(i)**Comment:**  
**Add** 'Single pilot CRM' to list.**Justification:**  
Single pilot CRM has several distinct factors that do not apply to multi crew

operations and, for completeness, CRM could be included.

**Proposed Text (if applicable):** "...Single pilot CRM"

comment

1264

comment by: UK CAA

**Page No:** 15

**Paragraph No:**

OR.OPS.115.FC (d) (2) (ii)

**Comment:**

The exact meaning of the rule is not clear. An environment representative of the operation is too broad a requirement.

**Justification:**

If the term means night/IFR then that should be used.

**Proposed Text (if applicable):**

The recurrent checks required by OR.OPS145.FC are performed in the single pilot role on the particular aircraft type under IFR and/or night as applicable to that operation.

comment

1351

comment by: Walter Mayer, Heliswiss

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1352

comment by: Walter Mayer, Heliswiss

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1353

comment by: Walter Mayer, Heliswiss

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check

valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1354

comment by: *Walter Mayer, Heliswiss*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1355

comment by: *Walter Mayer, Heliswiss*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1511

comment by: *TAP Portugal*

**Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment 1512

comment by: *TAP Portugal*

**Relevant Text:**

(b) The pilot in command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the requirements of OR.OPS.020(b).

The delegation shall include all the responsibilities of the pilot in command.

**Comment:**

There's a conflict with the non existence of the function/role as commander. Only one pilot can have final responsibility. Use EU-OPS 1.940

**Proposal:**

*5. one pilot amongst the flight crew, qualified as a pilot-in-command in*

*accordance with the requirements governing Flight Crew Licenses, is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot; and*

comment 1807

comment by: Karl Wagner

With regard to single pilot operations (OR.OPS.115.FC(c)(i)) I believe that the limit for single pilot operation of turbo propeller aeroplanes should not be referenced to the seating capacity. This results in absurd situations: Take a King Air 350: in standard seating configuration (9) it may be flown single pilot. If you add two optional seats in the baggage compartment, you need two pilots. What would you explain that to a passenger?

If you really want to set such limit it should be performance Category. Category A requires two pilots, performance category B requires only one. On the other hand I firmly believe, that any turbopropeller aeroplane in commercial operation should always be flown by two pilots. Do you really believe a King Air 200 is easier to fly than a Citationjet? I don't.

Any regulation for single pilot must consider training as well. Right now training for a single pilot aircraft must be single pilot (10 hours - Compare that to multi pilot aircraft requiring 32 hours) I think that is madness! You send a youngster for a type rating on a Citationjet and he comes back with a captain's rating after just ten hours (there is no copilot rating because the aircraft is single pilot) - and then he has to fly as part of a multiple crew cockpit. Same on any turboprop. His counterpart on a Citation Bravo requires 32 hours and has a rating as copilot. Why?

My suggestion would be: On Turboprops and Jets Ratings should be trained for dual pilot operation first. Then, after gaining some experience any one who is mad enough for an extra single pilot course.

comment 1904

comment by: Walter Gessky

**OR.OPS.115.FC**

**As requested in NP A Part 0 2a, point 48 Austria is not supporting commercial single pilot IFR/night operation.**

Justification:

Due to safety concern Austria has never given an approval for such operation. Therefore it is recommended to delete paragraph (c)(2) for aeroplanes and (d)(2) for helicopters.

comment 2071

comment by: AUSTRIAN Airlines

**Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**  
Realign with EU-OPS

comment

2072

comment by: *AUSTRIAN Airlines***Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment

2290

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2369

comment by: *KLM***Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment

2370

comment by: *KLM***Relevant Text:**

(b) The pilot in command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the requirements of OR.OPS.020(b).

The delegation shall include all the responsibilities of the pilot in command.

**Comment:**

There's a conflict with the non existence of the function/role as commander. Only one pilot can have final responsibility. Use EU-OPS 1.940

**Proposal:**

*5. one pilot amongst the flight crew, qualified as a pilot-in-command in accordance with the requirements governing Flight Crew Licenses, is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot*

comment

2545

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment

2546

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(b) The pilot in command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the requirements of OR.OPS.020(b).

The delegation shall include all the responsibilities of the pilot in command.

**Comment:**

There's a conflict with the non existence of the function/role as commander. Only one pilot can have final responsibility. Use EU-OPS 1.940

**Proposal:**

*5. one pilot amongst the flight crew, qualified as a pilot-in-command in accordance with the requirements governing Flight Crew Licenses, is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot; and*

comment

2829

comment by: Ph.Walker

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight

crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2900

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment

2901

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(b) The pilot in command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the

requirements of OR.OPS.020(b).

The delegation shall include all the responsibilities of the pilot in command.

**Comment:**

There's a conflict with the non existence of the function/role as commander. Only one pilot can have final responsibility. Use EU-OPS 1.940

**Proposal:**

*5. one pilot amongst the flight crew, qualified as a pilot-in-command in accordance with the requirements governing Flight Crew Licenses, is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot; and*

comment

3067

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment

3081

comment by: *ERA*

**[European Regions Airline Association Comment](#)**

**Reference:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

Therefore, realign with EU-OPS

comment

3226

comment by: *Irish Aviation Authority*

**Comment:**

Paragraph (b) - Ref to "and fulfilling the requirements of OR.OPS.020(b)"

Justification:  
Wording is weak

Proposed text:  
Suggest changing text to "providing the requirements of OR.OPS.020(b) are complied with.

comment 3372 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

(b) This does not match with Appendix 1 to EU-OPS 1.940 which does not require a commander for in flight relief of the commander.

**Proposal**

This paragraph must be rewritten in accordance with EU-OPS.

**Justification**

obvious

comment 3378 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.115.FC (b):

ECA requests clarification:

Does that mean that if the F/O conducts the flight, he is immediately PIC? ECA recommends to use Commander instead of PIC to clarify what is meant.

comment 3385 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.115.FC (c) 2.: delete (c)(2) and replace with EU OPS 1.944 b)2. wording:

(c) Specific requirements for aeroplane operations under IFR or at night.

(1) The minimum flight crew shall be 2 pilots for all turbojet aeroplanes and all turbopropeller aeroplanes with a maximum passenger seating configuration of more than 9.

~~(2) Aeroplanes other than those covered by (c)(1) may have the minimum flight crew reduced from 2 to 1 pilot provided that:~~

~~(i) The pilot has undertaken training on the operator's procedures, in particular regarding:~~

- ~~– Engine management and emergency handling;~~
- ~~– Use of normal, abnormal and emergency checklist;~~
- ~~– ATC communication;~~
- ~~– Departure and approach procedures;~~
- ~~– Autopilot management, if applicable; and~~
- ~~– Use of simplified inflight documentation;~~

~~(ii) The recurrent checks required by OR.OPS.145.FC are performed in the single pilot role on the relevant type or class of aeroplane in an environment representative of the operation;~~

~~(iii) For operations under IFR:~~

~~– the pilot has a minimum of 50 hours flight time under IFR on the relevant type or class of aeroplane, of which 10 hours as pilot in command; and~~

~~– the pilot has completed 5 IFR flights, including 3 instrument approaches, in a single pilot role, or undertaken an IFR instrument approach check during the preceding 90 days on the relevant type or~~

~~class of aeroplane; and~~  
Minimum flight crew for operations under IFR or at night. For operations under IFR or at night, an operator shall ensure that: (1) for all turbo-propeller aeroplanes with a maximum approved passenger seating configuration of more than nine and for all turbo-jet aeroplanes, the minimum flight crew is two pilots; or (2) aeroplanes other than those covered by subparagraph (b)(1) are operated by a single pilot provided that the requirements of Appendix 2 to OPS 1.940 are satisfied. If the requirements of Appendix 2 are not satisfied, the minimum flight crew is two pilots.

Justification:

The current wording suggests that the "minimum flight" crew may be reduced – which is never the case. The rule should allow single pilot operations under certain circumstances. This text is inappropriate, the EU-OPS text was unambiguous.

comment

3391

comment by: *ECA - European Cockpit Association*

Comment on requirements for commercial single pilot operations:  
 The text from Appendix 2 1.940 is missing. ECA requests to reword provision OR.OPS.115.FC accordingly.

comment

3426

comment by: *UK CAA*

**Page No:** 14

**Paragraph No:**  
 OR.OPS.115.FC(b)

**Comment:**  
 Reference of "OR.OPS.020(b)" requires changing to read "OR.OPS.020.FC(b)"

**Justification:** Editorial

**Proposed Text (if applicable):**  
 Change text to read "OR.OPS.020.FC(b)".

comment

3427

comment by: *UK CAA*

**Page No:** 14

**Paragraph No:**  
 OR.OPS.115.FC(b)

**Comment:**  
 This IR and the AMC associated with it require that a pilot-in-command (PIC) may only be relieved by a pilot who is either another PIC (AMC OR.OPS.015.FC(d) para 1) or who is a co-pilot who meets the requirements of the AMC **and** has completed a Command Course (AMC OR.OPS.015.FC(d) para 1c).

This is more restrictive than the EU-OPS 1.940 (5) and Appendix 1 to OPS 1.940 (all current cruise relief pilots **do not** require a command course to

perform these functions) and will have a serious financial implications for airlines operating with relief pilots (they will all require command courses) and has no benefit to safety.

**Justification:**

There is no safety reason to deviate from EU-OPS 1.940(5) and Appendix 1 to OPS 1.940

comment

3428

comment by: UK CAA

**Page No:** 14

**Paragraph No:**

OR.OPS.115.FC (c)(2)

**Comment:**

In the opening lines of this paragraph the IR refers to reducing the number of pilots from 2 to 1. This inference is the opposite to that contained in Appendix 2 to OPS 1.940. EU OPS requires that for all those aeroplanes that do not comply with the requirements of OPS 1.940(b)(1) they shall meet the requirements of the Appendix if the operator wishes them to be flown with a single pilot. If the operator's pilots cannot meet the requirements of the Appendix, then for these pilots to operate their single pilot certificated aeroplanes at night, there must be 2 pilots on board, i.e. they *must increase the number of pilots*.

**Justification:**

Safety. Operators will believe that they may reduce the number of pilots to 1 when they should be increasing the number to 2.

**Proposed Text (if applic able):** Amend the text to read, "*Aeroplanes other than those covered in (c)(1) above may be operated by a single pilot provided the requirements below are met. If the requirements cannot be met, the minimum flight crew shall be 2 pilots.*"

comment

3429

comment by: UK CAA

**Page No:** 14

**Paragraph No:**

OR.OPS.115.FC(c)(2)(iii)

**Comment:**

The title of the subparagraph is "For operations under IFR" therefore there is no requirement to include the expression "...under IFR..." in the first line of the first bullet point. Later in the same sentence, the English could be improved. The word "are" should be added between "10 hours" and "as pilot..."

**Justification:** Editorial

**Proposed Text (if applicable):** Change first bullet point to read "...50 hours flight time ~~under IFR~~ on the ..." and also change to read, "...10 hours *are* as pilot-in-command."

comment 3430 comment by: UK CAA

**Page No:** 15

**Paragraph No:**

OR.OPS.115.FC(c)(2)(iv)

**Comment:**

The inclusion of the minimum flight time and take-off and landing requirements in the IRs are in excess of the requirements for night flight contained in EU-OPS 1.940(b)(2) and Appendix 2 to OPS 1.940 (a)(5).

**Justification:**

There is no safety justification for this change.

**Proposed Text (i f applicable):** Revert to the original text in EU-OPS 1.940(b)(2) and Appendix 2 to OPS 1.940 (a)(5).

comment 3540 comment by: KLM Cityhopper

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment 3702 comment by: Icelandair

**Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:** Realign with EU-OPS

comment 3706 comment by: AIR FRANCE

## Relevant Text:

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

## Comment:

Refer to comments about OR.OPS.020FC.

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander.

Proposal: Realign with EU-OPS

comment

3738

comment by: *Christian Hölzle*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3739

comment by: *Christian Hölzle*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3740

comment by: *Christian Hölzle*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

f) : Owing to the high number of checks it should be possible to combine with

PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3794

comment by: *IACA International Air Carrier Association*

(b)

OR.OPS.020.FC Designation as pilot-in-command (b)(3), OR.OPS.115.FC Composition of Flight Crew (b) and OR.OPS.120.FC Command course are interlinked but have a significant effect when related to Augmented Crew Operation. EASA have chosen not to use the term 'Commander' which was utilised by the JAA to differentiate between pilots who were licensed to be in command but were not nominated as pilot-in-command. EASA reasoning is that ICAO do not use the term. However in the JAA/EU-OPS/EASA world there is an anomaly in that in some states a pilot is rated in his license automatically as Pilot-in-command [or co-pilot] UK.EIRE being 2 but there are others. The remaining States rate a Pilot as Co-Pilot OR pilot-in-command. Thus in these states [UK,EIRE etc] a Cruise relief Captain [co-pilot with pilot-in-command privileges] need only have such training as decided by the Operator. Those other States have to give a co-pilot a LHS OPC [as it stands at this time]. This procedure is adopted in Germany/France and other states.

The consequence of EASA's planning is to require a relief Captain to be a Captain and no longer a Co-Pilot with pilot-in-command privileges and appropriate training as decided by the operator.

EASA indicates that the relieving Pilot has total command of the aircraft, which is not true as the 'Commander' is still legally responsible for the flight. In a 2 man crew, when the Captain goes to the toilet, the F/O becomes the Pilot flying, but the Captain [Commander] is still legally responsible. The AMC should clarify that there is only one pilot-in-command, who retains the final decision during the entire flight, even when relieved by another pilot [e.g. cruise relief captain] for the conduct of the flight. [Excepting the formal hand-over in flight of command authority from one "commander" to another in ultra long range operations where two flight crews are required to enable the aircraft to remain airborne beyond what hitherto has been agreed as an acceptable flight duty period. The off-duty crew can therefore obtain uninterrupted and recuperative rest.] The pilot-in command status is not related to pilot-flying/pilot-not-flying, but identifies the flight crew member as being the "final authority" on board.

The outcome of this is that there will be increased crew costs but without any proven increase in Safety. If the current system is unsafe then it should be stopped immediately not wait until EASA regulations become law.

Proposal:

1. Use EU-OPS Appendix 1 to EU-OPS 1.940
2. Reinstate the term 'Commander' as per EU-OPS 1.940 (a) 5 to avoid confusion

comment

3804

comment by: *IACA International Air Carrier Association*

(b)

This rule is incorrect: not all legal responsibilities of the PIC can be delegated.

Delegation is limited to conduct-of-flight-duties.  
 The rule shall confirm that there is only one pilot-in-command, who retains the final decision during the entire flight, even while relieved by another pilot (e.g. cruise relief captain) for the conduct of the flight.  
 The pilot-in-command status is not related to pilot-flying/pilot-non-flying, but identifies the flight crew member as being the "final authority" on board.

comment 4068

comment by: *British Airways***Relevant Text:**

(b) The pilot-in-command may delegate the conduct of the flight to another suitably qualified in accordance with Part-FCL and fulfilling the requirements of OR.OPS.020(b). The delegation shall include all the responsibilities of the pilot-in-command

**Comment:**

This paragraph is not in line with Appendix 1 to EU-OPS 1.940 which does not require a Command Course/Commander for the In-Flight Relief of the Pilot-in-Command (see previous comments).

In addition, the delegation is limited to the conduct of the flight but should not include all the responsibilities of the Commander

**Proposal:**

Realign with EU-OPS

comment 4070

comment by: *British Airways***Relevant Text:**

(b) The pilot in command may delegate the conduct of the flight to another pilot suitably qualified in accordance with Part FCL and fulfilling the requirements of OR.OPS.020(b).

The delegation shall include all the responsibilities of the pilot in command.

**Comment:**

There's a conflict with the non existence of the function/role as commander. Only one pilot can have final responsibility. Use EU-OPS 1.940

**Proposal:**

*5. one pilot amongst the flight crew, qualified as a pilot-in-command in accordance with the requirements governing Flight Crew Licenses, is designated as the commander who may delegate the conduct of the flight to another suitably qualified pilot; and*

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 2 -  
 OR.OPS.120.FC Command course**

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comment 414

comment by: *CAA-NL*

Comment regarding:

(d) Line training as pilot in command under supervision, for a minimum of:

- (1) 10 sectors, in the case of aeroplanes; and
- (2) 10 hours, including at least 10 sectors, in the case of helicopters.

Reason:

Add: ...for pilots already qualified on the aeroplane type;

- comment 873 comment by: *ECA - European Cockpit Association*  
 Comment on OR.OPS.120.FC (d) (1): add requirement:  
 (d) Line training as pilot in command under supervision;  
 (1) ~~10 sectors~~, in the case of aeroplanes **a minimum of 10 sectors is applicable only to pilots already qualified on type** ; and ...  
 Justification:  
 During upgrade to command, Line Training is now always "minimum 10 sectors" compared to EU-OPS where this was a minimum for "already type-qualified pilots". This is a reduction that cannot be accepted.  
 Furthermore, ECA recommends to mention reference to OR.OPS.020.
- comment 2529 comment by: *SNEH Organisation representing all french commercial helicopters operators*  
 "Line training as pilot in command under supervision, for a minimum of : (2) 10 hours, including at least 10 sectors, in the case of helicopters".  
 This is too heavy and not justified. There are already many flight controls before the pilot can leave as a captain. All these controls are enough.
- comment 3225 comment by: *Irish Aviation Authority*  
 Comment:  
 Paragraph (e) -  
 Ref to " Completion of a line check as PIC"  
 Justification:  
 Text missing  
 Proposed text:  
 Suggest change text to "Completion of commanders line check and route/role/area competency if applicable.
- comment 3798 comment by: *IACA International Air Carrier Association*  
 OR.OPS.020.FC Designation as pilot-in-command (b)(3), OR.OPS.115.FC Composition of Flight Crew (b) and OR.OPS.120.FC Command course are interlinked but have a significant effect when related to Augmented Crew Operation. EASA have chosen not to use the term 'Commander' which was utilised by the JAA to differentiate between pilots who were licensed to be in command but were not nominated as pilot-in-command. EASA reasoning is that ICAO do not use the term. However in the JAA/EU-OPS/EASA world there is an anomaly in that in some states a pilot is rated in his license automatically as Pilot-in-command [or co-pilot] UK,EIRE being 2 but there are others. The remaining States rate a Pilot as Co-Pilot OR pilot-in-command. Thus in these states [UK,EIRE etc] a Cruise relief Captain [co-pilot with pilot-in-command privileges] need only have such training as decided by the Operator. Those other States have to give a co-pilot a LHS OPC [as it stands at this time]. This procedure is adopted in Germany/France and other states.  
 The consequence of EASA's planning is to require a relief Captain to be a

Captain and no longer a Co-Pilot with pilot-in-command privileges and appropriate training as decided by the operator.

EASA indicates that the relieving Pilot has total command of the aircraft, which is not true as the 'Commander' is still legally responsible for the flight. In a 2 man crew, when the Captain goes to the toilet, the F/O becomes the Pilot flying, but the Captain [Commander] is still legally responsible. The AMC should clarify that there is only one pilot-in-command, who retains the final decision during the entire flight, even when relieved by another pilot [e.g. cruise relief captain] for the conduct of the flight. [Excepting the formal hand-over in flight of command authority from one "commander" to another in ultra long range operations where two flight crews are required to enable the aircraft to remain airborne beyond what hitherto has been agreed as an acceptable flight duty period. The off-duty crew can therefore obtain uninterrupted and recuperative rest.] The pilot-in command status is not related to pilot-flying/pilot-not-flying, but identifies the flight crew member as being the "final authority" on board.

The outcome of this is that there will be increased crew costs but without any proven increase in Safety. If the current system is unsafe then it should be stopped immediately not wait until EASA regulations become law.

Proposal:

1. Use EU-OPS Appendix 1 to EU-OPS 1.940
2. Reinstate the term 'Commander' as per EU-OPS 1.940 (a) 5 to avoid confusion

comment

4033

comment by: *TUIfly Nordic*

The requirement of minimum 10 sectors of LIFUS does not take into account Operators exchanging flight crew and that has implemented common SOP and training. There must be a possibility to reduce the numbers of sectors taking into account the level of similarity for Operators utilizing common SOP. In some cases the LIFUS may be reduced to zero.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 2 - OR.OPS.130.FC Initial Operator's Crew Resource Management (CRM) training**

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comment

415

comment by: *CAA-NL*

Comment regarding:

(a) Except in the case of balloons:

(1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

Suggestion:

Add..within their first year of joining an operator.

Reason: This gives operators more flexibility.

comment

854

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.130.FC (a) (1): Change text:

(a) Except in the case of balloons:

(1) A flight crew member shall have completed an initial CRM training course **within one year after** ~~before~~ commencing unsupervised line flying.

Justification:

New crew members build on their knowledge on HPL theory. Within their first year they adapt that knowledge to actual operational practices. With this experience they should be subject to a CRM training. Without operational experience, CRM training, being the combination of theory and operation, has little effect.

comment

855

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.130.FC (b): change text:

(b) If the flight crew member has not previously received theoretical training in Human Factors to the ATPL level, he/she shall complete, ~~before, or combined with, the initial CRM training,~~ a theoretical course provided by the operator and based on the human performance and limitations syllabus for the ATPL as established in Part FCL **before commencing line training.**

Justification:

Theoretical knowledge is required before commencing line training. Knowledge acquisition is different from the methods used in CRM training. Therefore a combination of HPL theory instruction and CRM training is not effective.

comment

1024

comment by: *AEA*

**Relevant Text:**

(a) Except in the case of balloons:

(1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

**Comment:**

Previous EU-OPS text was less restrictive. Given the one year's time for completing a initial course.

**Proposal:** (EU-OPS 1.943)

Initial operator's crew resource management (CRM) training

(a) When a flight crew member has not previously completed initial operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.

comment

1513

comment by: *TAP Portugal*

**Relevant Text:**

(a) Except in the case of balloons:

(1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

**Comment:**

Previous EU-OPS text was less restrictive. Given the one year's time for completing a initial course.

**Proposal:** (EU-OPS 1.943)

Initial operator's crew resource management (CRM) training

(a) When a flight crew member has not previously completed initial operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.

comment 2073

comment by: *AUSTRIAN Airlines***Relevant Text:**

(a) Except in the case of balloons:

(1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

**Comment:**

Previous EU-OPS text was less restrictive. Given the one year's time for completing a initial course.

**Proposal:** (EU-OPS 1.943)

Initial operator's crew resource management (CRM) training

(a) When a flight crew member has not previously completed initial operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.

comment 2371

comment by: *KLM***Relevant Text:**

(a) Except in the case of balloons:

(1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

**Comment:**

Previous EU-OPS text was less restrictive. Given the one year's time for completing a initial course.

**Proposal:** (EU-OPS 1.943)

Initial operator's crew resource management (CRM) training

(a) When a flight crew member has not previously completed initial operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.

comment 2547

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(a) Except in the case of balloons:

(1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

**Comment:**

Previous EU-OPS text was less restrictive. Given the one year's time for completing a initial course.

**Proposal:** (EU-OPS 1.943)

Initial operator's crew resource management (CRM) training

(a) When a flight crew member has not previously completed initial

operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.

comment 2902

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(a) Except in the case of balloons:

(1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

**Comment:**

Previous EU-OPS text was less restrictive. Given the one year's time for completing a initial course.

**Proposal:** (EU-OPS 1.943)

Initial operator's crew resource management (CRM) training

(a) When a flight crew member has not previously completed initial operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.

comment 3082

comment by: *ERA***European Regions Airline Association Comment**

- In OR. OPS, it is written that 'a flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying'.
- In EU-OPS it is indicated that 'new employees shall complete initial Operator's CRM Training within their first year of joining an operator'.
- OR.OPS.130 seems different and more restrictive than EU-OPS.

ERA therefore request either a clarification of OR.OPS.130 or revert to the EU OPS instructions.

comment 3345

comment by: *Lufthansa CityLine GmbH*

In OR. OPS, it is written that 'a flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying'.

In EU-OPS it is indicated that 'new employees shall complete initial Operator's CRM Training within their first year of joining an operator'.

OR.OPS.130 seems different and more restrictive than EU-OPS. We therefore request either a clarification of OR.OPS.130 or revert to the EU OPS instructions.

comment 3460

comment by: *Graham HALLETT*

OR.OPS.130.FC

I believe the phrase 'Except in the case of balloons' should be moved to be before subclause (a), so that it applies to (a) and (b) – at the moment it appears to apply to (a) only. ATPL is not relevant to balloons.

comment

3508

comment by: IATA

**(a) Except in the case of balloons:**  
**(1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.**

**Comment:**  
**EU-OPS text was less restrictive.**

**Proposal:**

**(a)(1) When a flight crew member has not previously completed initial operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.**

**(d)(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.**

**Comment:**  
**There is enough experience using a **restricted TRI** to be sure that it poses no safety risk.**

**Proposal:**

**"conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) or **restricted TRI(A)** occupying the other pilot seat, unless otherwise specified in accordance with Part21."**

comment

3708

comment by: AIR FRANCE

Relevant Text:

(a) Except in the case of balloons:  
 (1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

Comment:

Previous EU-OPS text was less restrictive. Given the one year's time for completing a initial course.

Proposal: (EU-OPS 1.943)

Initial operator's crew resource management (CRM) training

(a) When a flight crew member has not previously completed initial operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.

comment

4071

comment by: British Airways

**Relevant Text:**

(a) Except in the case of balloons:  
 (1) A flight crew member shall have completed an initial CRM training course before commencing unsupervised line flying.

**Comment:**

Previous EU-OPS text was less restrictive. Given the one year's time for completing a initial course.

**Proposal:** (EU-OPS 1.943)

Initial operator's crew resource management (CRM) training

(a) When a flight crew member has not previously completed initial operator's crew resource management (CRM) training (either new employees or existing staff), then the operator shall ensure that the flight crew member completes an initial CRM training course. New employees shall complete initial operator's CRM Training within their first year of joining an operator.

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OR.OPS.135.FC Operator conversion training and checking**

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comment

146

comment by: *EHO*

Paragraph (a)(1)

This rule and the associated GM is reliant upon a nuance of the word 'during'; will it be clear to operators that if a conversion course is not completed and the pilot reverts to another type, the course has been terminated and the pilot is no longer within (or in the terminology of the rule - 'during') a conversion course?

The text might be amended so that the intent is clear - a suggested text is:

"(2) once an operator's conversion course has commenced, the flight crew member shall not undertake flying duties on another type or class until the course has been completed or terminated."

comment

244

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.135.FC(d): change as follows as in EU OPS 1.945 d) 1):

(d) Aeroplanes. Pilots that have been issued a type rating based on a zero flight time training (ZFTT) course shall:

(1) commence line flying under supervision not later than 21 days after the completion of the skill test or after **refresher training approved training** provided by the operator;

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

Justification:

These requirements have been assessed crucial parts of the ZFTT by the JAA experts of the ZFTT WG. Deleting them is to the detriment of flight safety, with no pertinent reason.

comment

245

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.135.FC(d):

Reintroduce requirement for 6 take-offs and landings and timeframe of EU OPS 1.945 d) 2) :

(d) Aeroplanes. Pilots that have been issued a type rating based on a zero flight time training (ZFTT) course shall:

(1) commence line flying under supervision not later than 21 days after the completion of the skill test or after refresher training provided by the operator;

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**(3) complete six take-offs and landings in a flight simulator, qualified in accordance with the requirements applicable to synthetic training devices and user approved by the Authority, not later than 21 days after the completion of the skill test. This simulator session shall be conducted by a type rating instructor or for aeroplanes (TRI (A)) occupying a pilot's seat. If these take-offs and landings have not been performed within the 21 days, the operator shall provide refresher training.**

Justification:

These requirements have been assessed crucial parts of the ZFTT by the JAA experts of the ZFTT WG. Deleting them is to the detriment of flight safety, with no pertinent reason.

comment

416

comment by: CAA-NL

Comment regarding:

d) Aeroplanes. Pilots that have been issued a type rating based on a zero flight time

training (ZFTT) course shall:

(1) commence line flying under supervision not later than 21 days after the completion

Suggestion

Add: ...acceptable to the Authority?

Reason: Oversight is required for this.

comment

663

comment by: AEA

**Relevant Text:**

(d)(2) conduct the first 4 take offs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part-21

**Comment:**

The reference to Part-21 should be amended to to refer to credits from the (Operational Suitability Certificate. This should not be understood as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as a desire from the AEA/operators to get credits from current JOEB processes.

Whether or not the TRI(A) should occupy the other pilot seat should not be part of implementing rules (hard-law) but could be part of guidance material to allow different approaches.

**Proposal:**

Delete ' occupying the other pilot seat and amend, 'unless otherwise specified

in accordance with Part-21" to read as 'unless credits are established in the Operational Suitability Certificate established in accordance with Part-21'

comment 862 comment by: ECA - European Cockpit Association

Comment on OR.OPS.135.FC (a) (2): change text:

~~(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type or class of aircraft.~~

**(2) Once a type rating course and the operator conversion course has been commenced, the operator shall not assign the flight crew member to flying duties on another type or class of aircraft until the courses are completed or terminated.**

Justification:

See comment 861 to OR.OPS.035.FC. The crew member is only protected from flying duties during the conversion course, and not during the type rating course. This is not acceptable with the a.m. reasoning. Text from EU-OPS was clearer in a way that this requirement starts at the beginning of a conversion course and is valid to its end.

comment 864 comment by: ECA - European Cockpit Association

Comment on OR.OPS.135.FC (b): Delete paragraph and replace with original wording from EU-OPS 1.945 (a) (5) as follows:

~~(b) The amount of training required by the flight crew member for the operator's conversion course shall be determined in accordance with the standards of qualification and experience specified in the Operations Manual, taking into account his/her previous training and experience. The minimum standards of qualification and experience required of flight crew members before undertaking conversion training are specified in the operations manual.~~

Justification:

EU-OPS required minimum experience standards (before a crew member could start conversion training) to be specified in the OM-A. The new text is ambiguous as to whether this still applies. The text can be interpreted that these minimum standards need not be established, but only general training standards are sufficient.

comment 870 comment by: ECA - European Cockpit Association

Comment on OR.OPS.135.FC (d): add a new (2) and renumber present (2) to (3):

**(2) Complete the six take-offs and landings in a flight simulator, qualified in accordance with (EASA IR) and user approved by the Authority, not later than 21 days after the completion of the skill test. This simulator session shall be conducted by a TRI(A) occupying a pilot's seat.**

Justification:

ZFTT must include six TO and LDGs in an FSTD. Add qualification of FSTD acc to new EASA IRs.

comment 1033

comment by: AEA

**Relevant Text:**

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**Comment:**

Make use of possibility; TRI (A) or restricted TRI(A). See also AEA comment on EASA-FCL with respect

**Proposal:**

*"conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) or restricted TRI(A) occupying the other pilot seat,"*

comment 1034

comment by: AEA

**Relevant Text:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type or class of aircraft.

**Comment:**

To allow pilots continue to fly in flying club on SEP, for example, during a type rating course delete "or class"

**Proposal:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type **or class** of aircraft.

comment 1514

comment by: TAP Portugal

**Relevant Text:**

(d)(2) conduct the first 4 take offs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part-21

**Comment:**

The reference to Part-21 should be amended to to refer to credits from the (Operational Suitability Certificate. This should not be understood as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as a desire from the AEA/operators to get credits from current JOEB processes.

Whether ot not the TRI(A) should occupy the other pilot seat should not be part of implementing rules (hard-law) but could be part of guidance material to allow different approaches.

**Proposal:**

Delete ' occupying the other pilot seat and amend, 'unless otherwise specified in accordance with Part-21" to read as '*unless credits are established in the Operational Suitability Certificate established in accordance with Part-21*'

comment 1515 comment by: TAP Portugal

**Relevant Text:**

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**Comment:**

Make use of possibility; TRI (A) or restricted TRI(A). See also AEA comment on EASA-FCL with respect

**Proposal:**

*"conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) or restricted TRI(A) occupying the other pilot seat,"*

comment 1516 comment by: TAP Portugal

**Relevant Text:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type or class of aircraft.

**Comment:**

To allow pilots continue to fly in flying club on SEP, for example, during a type rating course delete "or class"

**Proposal:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type ~~or class~~ of aircraft.

comment 1760 comment by: Airbus

OR.OPS.135.FC Operator conversion training and checking

(d) Aeroplanes. Pilots that have been issued a type rating based on a zero flight time training (ZFTT) course shall:

(1) commence line flying under supervision not later than 21 days after the completion of the skill test or after refresher training provided by the operator;

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**Comment:** Based on the proposal for an OSC (NPA 2009-01), the above underlined text should be adjusted so that the link with the Operational Suitability Certificate is clearer

**Proposal:** OR.OPS.135.FC (d) (2) to read:

"...unless otherwise specified in the Operational Suitability Certificate approved in accordance with Part 21."

comment 1832 comment by: barry birch

These requirements are excessive when applied to pilots operating a balloon. Bear in mind a balloon flies only in summer so a once yearly check with a suitable instructor should be more than enough...although really if your medical is valid a line check should suffice. Barry Birch, Balloon Pilot/Instructor, Italy.

comment

2074

comment by: AUSTRIAN Airlines

**Relevant Text:**

(d)(2) conduct the first 4 take offs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part-21

**Comment:**

The reference to Part-21 should be amended to refer to credits from the (Operational Suitability Certificate. This should not be understood as AUSTRIAN support for the current O-SC concept and processes (see AUSTRIAN comments to NPA 2009-1) but as a desire from AUSTRIAN/operators to get credits from current JOEB processes.

Whether or not the TRI(A) should occupy the other pilot seat should not be part of implementing rules (hard-law) but could be part of guidance material to allow different approaches.

**Proposal:**

Delete ' occupying the other pilot seat and amend, 'unless otherwise specified in accordance with Part-21" to read as '*unless credits are established in the Operational Suitability Certificate established in accordance with Part-21*'

comment

2075

comment by: AUSTRIAN Airlines

**Relevant Text:**

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**Comment:**

Make use of possibility; TRI (A) or restricted TRI(A). See also AUSTRIAN comment on EASA-FCL with respect

**Proposal:**

*"conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) or restricted TRI(A) occupying the other pilot seat,"*

comment

2076

comment by: AUSTRIAN Airlines

**Relevant Text:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type or class of aircraft.

**Comment:**

To allow pilots continue to fly in flying club on SEP, for example, during a type rating course delete "or class"

**Proposal:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator

conversion training course;  
 (2) during the operator conversion course the flight crew member shall not undertake flying duties on another type **or class** of aircraft.

comment 2372

comment by: KLM

**Relevant Text:**

(d)(2) conduct the first 4 take offs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part-21

**Comment:**

The reference to Part-21 should be amended to to refer to credits from the (Operational Suitability Certificate. This should not be understood as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as a desire from the AEA/operators to get credits from current JOEB processes.

Whether or not the TRI(A) should occupy the other pilot seat should not be part of implementing rules (hard-law) but could be part of guidance material to allow different approaches.

**Proposal:**

Delete ' occupying the other pilot seat and amend, 'unless otherwise specified in accordance with Part-21" to read as '*unless credits are established in the Operational Suitability Certificate established in accordance with Part-21*

comment 2373

comment by: KLM

**Relevant Text:**

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**Comment:**

Make use of possibility; TRI (A) or restricted TRI(A). See also AEA comment on EASA-FCL with respect

**Proposal:**

*"conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) **or restricted TRI(A)** occupying the other pilot seat,"*

comment 2374

comment by: KLM

**Relevant Text:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type or class of aircraft.

**Comment:**

To allow pilots continue to fly in flying club on SEP, for example, during a type rating course delete "or class"

**Proposal:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not

undertake flying duties on another type ~~or class~~ of aircraft.

comment

2549

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(d)(2) conduct the first 4 take offs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part-21

**Comment:**

The reference to Part-21 should be amended to refer to credits from the (Operational Suitability Certificate. This should not be understood as Lufthansa support for the current O-SC concept and processes (see Lufthansa comments to NPA 2009-1) but as a desire from the operators to get credits from current JOEB processes.

Whether or not the TRI(A) should occupy the other pilot seat should not be part of implementing rules (hard-law) but could be part of guidance material to allow different approaches.

**Proposal:**

Delete ' occupying the other pilot seat and amend, 'unless otherwise specified in accordance with Part-21" to read as '*unless credits are established in the Operational Suitability Certificate established in accordance with Part-21*'

comment

2550

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**Comment:**

Make use of possibility; TRI (A) or restricted TRI(A). See also Lufthansa comment on EASA-FCL with respect

**Proposal:**

*"conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) or restricted TRI(A) occupying the other pilot seat,"*

comment

2551

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type or class of aircraft.

**Comment:**

To allow pilots continue to fly in flying club on SEP, for example, during a type rating course delete "or class"

**Proposal:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type ~~or class~~ of aircraft.

comment 2903 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(d)(2) conduct the first 4 take offs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part-21

**Comment:**

The reference to Part-21 should be amended to refer to credits from the (Operational Suitability Certificate. This should not be understood as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as a desire from the AEA/operators to get credits from current JOEB processes.

Whether or not the TRI(A) should occupy the other pilot seat should not be part of implementing rules (hard-law) but could be part of guidance material to allow different approaches.

**Proposal:**

Delete ' occupying the other pilot seat and amend, 'unless otherwise specified in accordance with Part-21' to read as '*unless credits are established in the Operational Suitability Certificate established in accordance with Part-21*'

comment 2904 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**Comment:**

Make use of possibility; TRI (A) or restricted TRI(A). See also AEA comment on EASA-FCL with respect

**Proposal:**

*"conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) or restricted TRI(A) occupying the other pilot seat,"*

comment 2905 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type or class of aircraft.

**Comment:**

To allow pilots continue to fly in flying club on SEP, for example, during a type rating course delete "or class"

**Proposal:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type **or class** of aircraft.

comment 3141 comment by: *DGAC*

The following rule about 6 take offs and landings for ZFTT was previously :

in Appendix 1 to JAR FCL 1.261 (c) (2) § 2 (c)

*“Unless specified otherwise, a specific simulator session including a minimum of six additional take-offs and landings included in the type rating course shall be conducted according to JAR-OPS 1.945(d)(2).”*

- in JAR-OPS 1.945 (d)(2):

*“(d) A pilot, undertaking a ZFTT course, shall:*

*(2) Complete the six take-offs and landings required in Appendix 1 JAR-FCL 1.261(c)(2) in a flight simulator, qualified in accordance with JAR-STD and user approved by the Authority, not later than 21 days after the completion of the skill test.*

*This simulator session shall be conducted by a TRI(A) occupying a pilot's seat.*

*When recommended by a Joint Operational Evaluation Board (JOEB) and approved by the Authority, the number of take-offs and landings may be reduced.*

*If these take-offs and landings have not been performed within the 21 days, the operator shall provide refresher training acceptable to the Authority”*

We cannot find that rule in any of the drafted NPA (NPA 17c, 22 AR, 22 OR, or 2009 -02)

**Proposal:** Therefore the following text should be added at the end of (d) of OR.OPS.135.FC, after (d)(2) :

“(d) Aeroplanes. Pilots that have been issued a type rating based on a zero flight time training (ZFTT) course shall:

(1) [...]

(2) [...]

**(3) Complete six take-offs and landings in a FSTD, and user approved, not later than 21 days after the completion of the skill test, and before line flying under supervision.**

**This simulator session shall be conducted by a TRI(A) occupying a pilot's seat.**

**The number of take-offs and landings may be reduced, in accordance with part-21”**

comment 3704

comment by: Icelandair

**Relevant Text:**

(d)(2) conduct the first 4 take offs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part-21

**Comment:**

The reference to Part-21 should be amended to refer to credits from the (Operational Suitability Certificate. This should not be understood as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as a desire from the AEA/operators to get credits from current JOEB processes.

Whether or not the TRI(A) should occupy the other pilot seat should not be part of implementing rules (hard-law) but could be part of guidance material to allow different approaches.

**Proposal:**

Delete 'occupying the other pilot seat and amend, 'unless otherwise specified in accordance with Part-21'' to read as '*unless credits are established in the Operational Suitability Certificate established in accordance with Part-21*'

comment 4072

comment by: British Airways

**Relevant Text:**

(d)(2) conduct the first 4 take offs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part-21

**Comment:**

The reference to Part-21 should be amended to refer to credits from the (Operational Suitability Certificate. This should not be understood as BA support for the current O-SC concept and processes but as a desire from the AEA/operators to get credits from current JOEB processes.

Whether or not the TRI(A) should occupy the other pilot seat should not be part of implementing rules (hard-law) but could be part of guidance material to allow different approaches.

**Proposal:**

Delete 'occupying the other pilot seat and amend, 'unless otherwise specified in accordance with Part-21'' to read as '*unless credits are established in the Operational Suitability Certificate established in accordance with Part-21*'

comment 4073

comment by: British Airways

**Relevant Text:**

(2) conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) occupying the other pilot seat, unless otherwise specified in accordance with Part21.

**Comment:**

Make use of; TRI (A) or restricted TRI(A). See also BA comment on EASA-FCL with respect

**Proposal:**

*"conduct the first 4 takeoffs and landings of the line flying under supervision in the aeroplane under the supervision of a TRI(A) or restricted TRI(A) occupying the other pilot seat,"*

comment 4074

comment by: British Airways

**Relevant Text:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not undertake flying duties on another type or class of aircraft.

**Comment:**

To allow pilots continue to fly in flying club on SEP, for example, during a type rating course delete "or class"

**Proposal:**

(a) Except in the case of balloons:

(1) crew resource management training shall be integrated into the operator conversion training course;

(2) during the operator conversion course the flight crew member shall not

undertake flying duties on another type ~~or class~~ of aircraft.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 2 -  
OR.OPS.145.FC Recurrent training and checking**

p. 17

comment 7 comment by: *David COURT*

Every 6 months is too frequent for balloons. In many countries there is little flying in the winter leaving a season of about 8 months. I would prefer the prof check every 12 months and include a Line Check. I do not understand why balloons are excluded from the Line Check.

comment 8 comment by: *David COURT*

There are no Type Rating Examiners listed in NPA 2008 17b. TRE(B) will be needed to conduct the proficiency checks.

comment 129 comment by: *Rega / Swiss Air-Ambulance*

**OR.OPS.145.FC Recurrent training and checking**

**Scope:**

Typing error referencing to text under OR.OPS.145 FC (g)

--> reference (b)(3) instead of (d)(3)

--> reference (c) instead of (e)

--> reference (d) instead of (f)

**Text to be added:**

The references under the above mentioned paragraph should be ... (g) The validity periods mentioned in **(b)**(3), **(c)** and **(d)** shall be counted ... rest of text no change.

**Proof:**

Self explanatory.

**Background:**

Swiss Air Ambulance is a subsidiary of Rega, Switzerland's national air-rescue organisation, which was founded in 1952. Swiss Air Ambulance can draw on decades of experience and the expertise of professional teams to provide competent, comprehensive assistance in the event of medical emergencies all over the world operating besides 13 dedicated HEMS helicopters 3 dedicated Bombardier CL-604 "Challenger" ambulance jets with a range of 3'500 NM. Its services range from providing medical advice to repatriating patients to/from Switzerland or any other point of the world. Swiss air-ambulance is a private, non-profit organisation, which operates in accordance with the guiding principles of the Red Cross. It comes to the aid of people in distress, without respect of their nationality, religious conceptions or social status. Swiss air-ambulance operates under the Air Operator Certificate CH-AOC-No.1015 issued by the Federal Office of Civil Aviation Switzerland (FOCA) and is compliant with EU-OPS. Please visit [www.rega.ch](http://www.rega.ch)

comment	147	comment by: <i>EHOC</i>
	<p><u>Paragraph (g)</u></p> <p>Editorial: reference should be (b)(3), (c) and (d).</p>	
comment	336	comment by: <i>REGA</i>
	<p><b>OR.OPS.145.FC, Operat or Pr oficiency Check:</b> Regarding the period of validity OR.OPS.145.FC (6 months) seems to be in contradiction with OR.OPS.240.FC (12 months).</p> <p><b>OR.OPS.145.FC:</b> To facilitate the company's internal procedures and to be able to plan more efficient the training and checking of crew members (Flight Crew and Technical Crew Member), the period of validity should be equal for all kind of checks and crew members. REGA decided to check their crew member every 12 months for their relevant duties: After several decades of experience, REGA does not see any disadvantage in these checking periods or any negative impact regarding to flight safety.</p> <p><b>Proposal</b> The period of validity for Operator Proficiency Check, Line Check, Emergency and Safety Checks and the according training shall be 12 months.</p>	
comment	417	comment by: <i>CAA-NL</i>
	<p>Comment regarding: g) The validity periods mentioned in (d)(3), (e) and (f) shall be counted from the end of the month when the check was taken.</p> <p>Comment CAA-NL: Reference 'd(3)' is incorrect, should be b(3), (c), (d), (e) and (f).</p>	
comment	480	comment by: <i>Heli Gotthard</i>
	<p>b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).</p> <p>c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).</p>	

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

499

comment by: *Stefan Huber*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

500

comment by: *Stefan Huber*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

501

comment by: *Stefan Huber*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 502

comment by: *Stefan Huber*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 503

comment by: *Stefan Huber*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 522

comment by: *Air Zermatt*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 523

comment by: *Air Zermatt*

c) Line check / 12 months

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months),

Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 524

comment by: *Air Zermatt*

d) Emergency + safety training / 12 months

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 525

comment by: *Air Zermatt*

e 2) CRM max 3 years valid

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 526

comment by: *Air Zermatt*

f) Ground training / 12 months

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 556

comment by: *Air-Glacières (pf)*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 557 comment by: *Air-Glaciers (pf)*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 559 comment by: *Air-Glaciers (pf)*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 560 comment by: *Air-Glaciers (pf)*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 651 comment by: *Bristow Helicopters*

**OR.OPS.145.FC(f)**

**Comment** - The interpretation of "aircraft/FSTD training" is not clear. Does this mean that training may take place on **either** aircraft **or** FSTD, or **both** aircraft **and** FSTD must be used.

**Justification** - This needs to be clear if the intention is to promote the use of FSTD within commercial operators training programmes. However, the rule must also accommodate the limited availability of suitable FSTD's for helicopters, and in some cases there may be no FSTD at all, especially during the initial period of operation of a new type or variant.

**Proposed Amendment** - Include text in AMC1 OR.OPS.145.FC to promote the use of FSTD where these are available. Such text is already contained in Appendix 1 to JAR-OPS 3.965(2)(ii), although this is specific to engine malfunctions only, but should be extended to all of the aircraft systems.

**AMC1 OR.OPS.145.FC Insert new paragraph:**

**1.4.5 Where a suitable FSTD is available it should be used for the aircraft/FSTD training programme, unless discounted by risk assessment taking into account the complexity of the aircraft.**

comment	664	comment by: AEA
<p><b>Comment:</b> This paragraph is more demanding than EU-OPS (OPS 1.963 and associated Appendix 1 and 2 to OPS 1.963) Some EU-OPS requirements have been modified from 3 years cycle to yearly – This has not been reflected in the explanatory note, neither evaluated by means of a RIA/safety case</p> <p><b>Proposal:</b> Re align with EU OPS provisions without changes to its technical content</p>		
comment	806	comment by: SHA (AS)
<p>c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).</p>		
comment	807	comment by: SHA (AS)
<p>b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).</p>		
comment	877	comment by: ECA - European Cockpit Association
<p>Comment on OR.OPS.145.FC: Change text as follows:</p> <p>(b) Operator Proficiency Check: (1) Each flight crew member shall complete operator proficiency checks to demonstrate his/her competence in carrying out normal, abnormal and emergency procedures, <del>as part of a normal flight crew complement.</del> <b><u>Operator proficiency checks are conducted in a normal flight crew complement.</u></b></p> <p>Justification: The combination of different EU-OPS paragraphs makes this text ambiguous. This could be understood in a way that the crew member is able to perform duties as part of normal crew complement, while the intention is that the check is conducted in a normal crew complement. Ambiguities like these are not allowed in EU law.</p>		
comment	879	comment by: ECA - European Cockpit Association
<p>Comment on OR.OPS.145.FC: add text :</p>		

(e) Except in the case of balloons:

(1) Elements of CRM shall be integrated into all appropriate phases of the recurrent training. **The operator shall ensure that all personnel conducting recurrent training are suitably qualified to integrate elements of CRM into this training.**

Justification:

The credibility of a CRM trainer depends on his/her qualification, so all personnel conducting training need to be familiar with CRM concepts.

comment 880

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.145.FC (e) (2): add text:

(2) Each flight crew member shall undergo specific modular CRM training. All major topics of CRM training shall be covered over a period not exceeding 3 years. **Modular CRM training shall be conducted by at least one suitably qualified CRM trainer who may be assisted by experts in order to address specific areas.**

Justification:

The credibility of a CRM trainer depends on his/her qualification; the trainer qualification requirements for modular training should be the same as for initial CRM training.

comment 985

comment by: *Heliswiss NV*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 986

comment by: *Heliswiss NV*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1008

comment by: *Dirk Hatebur*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in

90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1009

comment by: *Dirk Hatebur*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1010

comment by: *Dirk Hatebur*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1011

comment by: *Dirk Hatebur*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1012

comment by: *Dirk Hatebur*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1039

comment by: *AEA*

**Relevant Text:**

(g) The validity periods mentioned in (d)(3), (e) and (f) shall be counted from the end of the month when the check was taken.

(h) When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

**Comment:**

Delete (g) & (h)

**Proposal:**

Make a general statement in a specific article to be written at a relevant place as follows (e.g. OR.OPS.070.FC) :

*"All the validity periods mentioned in section 5 shall be counted from the end of the month when the check was taken.*

*When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."*

comment

1088

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland***Concern detail:**

Recurrent training and checking

**Comment / Proposal:**

Modify text:

(b)(1) Each flight crew [...]. The operator proficiency check can be combined with the licence proficiency check.

(b)(3) The period of validity of the operator proficiency check shall be 6 month for complex helicopters and 12 month for non-complex helicopters.

comment

1174

comment by: *AEA***Relevant Text:**

New Proposal

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following (new) regulation:

**OR.OPS.150.FC - Alternative training and qualification programme**

(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in Appendix 1 to OPS 1.978(a) by an alternative training and Qualification programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.

(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OPS 1.945, 1.965 and 1.970.

The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.

(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan in accordance with paragraph (c) of Appendix 1 to OPS 1.978.

(d) In addition to the checks required by OPS 1.965 and 1.970 an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).

1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.

2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue.

If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.

(e) After two years of operating within an approved ATQP an operator may, with the approval of the Authority, extend the periods of validity of OPS 1.965 and 1.970 as follows:

1. operator proficiency check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;

2. line check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the approval of the authority;

3. emergency and safety equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.

(f) The ATQP shall be the responsibility of a nominated post holder.

comment

1186

comment by: barry birch

With reference to OR.OPS.145.FC part b Operator Proficiency Check (3) 'period of validity.....6 months'..... in the case of balloons this is excessive and also costly to maintain bearing in mind that the effective flyind season is only six months long. Surely an annual Line Check an valid medical would be sufficient to remain proficient for each year.

comment

1265

comment by: UK CAA

**Page No:** 17

**Paragraph No:**

OR.OPS.145.FC (b) (3) and (c)

**Comment:**

It appears that the OPC and Line Check validity periods do not extend to the end of the month. This appears to be an omission.

**Justification:**

Para. (g) does not refer to (b) or (c)

**Proposed Text (if applicable):**

amend para (g) accordingly.

comment

1329

comment by: *Jan Brühlmann*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1330

comment by: *Jan Brühlmann*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1331

comment by: *Jan Brühlmann*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1332

comment by: *Jan Brühlmann*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight

crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1333

comment by: Jan Brühlmann

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1451

comment by: Pietro Barbagallo ENAC

Comment: an (i) paragraph should be added: all recurrent training and checking should be delivered by suitably qualified and certified personnel as appropriate.  
Justification: This addition links with and justifies the specifications made in each AMC or GM

comment 1517

comment by: TAP Portugal

**Comment:**

This paragraph is more demanding than EU-OPS (OPS 1.963 and associated Appendix 1 and 2 to OPS 1.963) Some EU-OPS requirements have been modified from 3 years cycle to yearly – This has not been reflected in the explanatory note, neither evaluated by means of a RIA/safety case

**Proposal:**

Re align with EU OPS provisions without changes to its technical content

comment 1518

comment by: TAP Portugal

**Relevant Text:**

(g) The validity periods mentioned in (d)(3), (e) and (f) shall be counted from the end of the month when the check was taken.

(h) When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

**Comment:**

Delete (g) & (h)

**Proposal:**

Make a general statement in a specific article to be written at a relevant place as follows (e.g. OR.OPS.070.FC) :

*"All the validity periods mentioned in section 5 shall be counted from the end of the month when the check was taken.*

*When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."*

comment

1519

comment by: TAP Portugal

**Relevant Text:**

New Proposal

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following (new) regulation:

**OR.OPS.150.FC - Alternative training and qualification programme**

*(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in Appendix 1 to OPS 1.978(a) by an alternative training and Qualification programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.*

*(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OPS 1.945, 1.965 and 1.970.*

*The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.*

*(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan in accordance with paragraph (c) of Appendix 1 to OPS 1.978.*

*(d) In addition to the checks required by OPS 1.965 and 1.970 an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).*

*1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.*

*2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue.*

*If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.*

*(e) After two years of operating within an approved ATQP an operator may, with the approval of the Authority, extend the periods of validity of OPS 1.965 and 1.970 as follows:*

*1. operator proficiency check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;*

*2. line check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous*

*line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the approval of the authority;*

*3. emergency and safety equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.*

*(f) The ATQP shall be the responsibility of a nominated post holder.*

comment

1547

comment by: Pascal DREER

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months),

Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1718 comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS.145.FC Recurrent training and checking (g)**

**Comment/Proposal:**

1. The validity periods mentioned in ~~(d)~~ (b)(3), (d)(e) and (f) shall be counted from the end of the month when the check was taken.

2. There is no mention in EASA OPS of ATQP reference EU-OPS 1.978 and Appendix 1 to EU-OPS 1.978.

**Proposal:**

Reinstate reference and requirements for ATQP as per EU-OPS 1.978 and Appendix 1 to EU-OPS 1.978.

comment 1736 comment by: *Richard ALLEN*

(B) (3) For hot air ballooning 6 calendar months is not appropriate. 12 monthly checks are sufficient given the safety and associated risks with respect to ballooning.

comment 1761 comment by: *Airbus*

**OR.OPS.145.FC Recurrent training and checking**

**Comment,:** the provision for combining operator proficiency check with the check required by FCL is covered only under GM OR.OPS.145.FC §6. In order for that to be allowed, it should be at law level.

**Proposal:** to keep guidance material as is, BUT to insert in Part OR a new § (i) to read:

*(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.*

comment 1833 comment by: *barry birch*

Operator proficiency check for balloons should be valid for 12 months. Further ground training is not necessary for balloon pilots. Barry Birch, Balloon Pilot/Instructor, Italy.

comment 2002 comment by: *Austro Control GmbH*

(b) (3):

from the view of helicopters following general point has to be considered: the AMC should foresee provisions to adapt the requirements with Part FCL (ex FCL-

2). E.g. OPC should be adapted to LPC concerning the types of helicopter.

comment

2077

comment by: AUSTRIAN Airlines

**Comment:**

This paragraph is more demanding than EU-OPS (OPS 1.963 and associated Appendix 1 and 2 to OPS 1.963) Some EU-OPS requirements have been modified from 3 years cycle to yearly – This has not been reflected in the explanatory note, neither evaluated by means of a RIA/safety case

**Proposal:**

Re align with EU OPS provisions without changes to its technical content

comment

2078

comment by: AUSTRIAN Airlines

**Relevant Text:**

(g) The validity periods mentioned in (d)(3), (e) and (f) shall be counted from the end

of the month when the check was taken.

(h) When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

**Comment:**

Delete (g) & (h)

**Proposal:**

Make a general statement in a specific article to be written at a relevant place as follows (e.g. OR.OPS.070.FC) :

*"All the validity periods mentioned in section 5 shall be counted from the end of the month when the check was taken.*

*When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."*

comment

2079

comment by: AUSTRIAN Airlines

**Relevant Text:**

New Proposal

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following (new) regulation:

**OR.OPS.150.FC - Alternative training and qualification programme**

*(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking*

requirements for flight crew specified in Appendix 1 to OPS 1.978(a) by an alternative training and qualification programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.

(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OPS 1.945, 1.965 and 1.970.

The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.

(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan in accordance with paragraph (c) of Appendix 1 to OPS 1.978.

(d) In addition to the checks required by OPS 1.965 and 1.970 an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).

1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.

2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue.

If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.

(e) After two years of operating within an approved ATQP an operator may, with the approval of the Authority, extend the periods of validity of OPS 1.965 and 1.970 as follows:

1. operator proficiency check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;

2. line check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the approval of the authority;

3. emergency and safety equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.

(f) The ATQP shall be the responsibility of a nominated post holder.

comment

2205

comment by: Ted Moore

The Classification of balloon flights as commercial air transport is unreasonable and not in line with ICAO rules which only require the classification for international flights. This is certainly not the case for passenger rides in balloons.

If the classification CAT cannot be changed then the rules for proficiency checks are excessive for commercial balloon pilots.

An annual type rating examination is perfectly adequate especially in northern

hemisphere countries where the flying season is limited to the six summer months.

comment 2211 comment by: *Christophe Baumann*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2212 comment by: *Christophe Baumann*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2213 comment by: *Christophe Baumann*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2214 comment by: *Christophe Baumann*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2215 comment by: *Christophe Baumann*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight

crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2238

comment by: *HDM Luftrettung gGmbH*

OR.OPS.145.FC:

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

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comment 2255 comment by: *Benedikt SCHLEGEL*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2257 comment by: *Benedikt SCHLEGEL*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

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comment 2292 comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

In (g) the reference should be: **(b)(3), (c) and (d)**

comment

2324

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

New regulation proposed

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following (new) regulation:

OR.OPS.150.FC - Alternative training and qualification programme

(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in Appendix 1 to OPS 1.978(a) by an alternative training and Qualification programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.

(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OPS 1.945, 1.965 and 1.970. The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.

(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan in accordance with paragraph (c) of Appendix 1 to OPS 1.978.

(d) In addition to the checks required by OPS 1.965 and 1.970 an operator shall ensure that each flight crew member undergoes a

Line Orientated Evaluation (LOE).

1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.

2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.

(e) After two years of operating within an approved ATQP an operator may,

with the approval of the Authority, extend the periods of validity of OPS 1.965 and 1.970 as follows:

1. operator proficiency check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;

2. line check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the approval of the authority;

3. emergency and safety equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.

(f) The ATQP shall be the responsibility of a nominated post holder.

comment

2375

comment by: KLM

**Comment:**

This paragraph is more demanding than EU-OPS (OPS 1.963 and associated Appendix 1 and 2 to OPS 1.963) Some EU-OPS requirements have been modified from 3 years cycle to yearly – This has not been reflected in the explanatory note, neither evaluated by means of a RIA/safety case

**Proposal:**

Re align with EU OPS provisions without changes to its technical content

comment

2377

comment by: KLM

**Relevant Text:**

(g) The validity periods mentioned in (d)(3), (e) and (f) shall be counted from the end of the month when the check was taken.

(h) When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

**Comment:**

Delete (g) & (h)

**Proposal:**

Make a general statement in a specific article to be written at a relevant place as follows (e.g. OR.OPS.070.FC) :

*"All the validity periods mentioned in section 5 shall be counted from the end of the month when the check was taken.*

*When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."*

comment

2378

comment by: KLM

**Relevant Text:**

New Proposal

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following (new) regulation:

**OR.OPS.150.FC - Alternative training and qualification programme**

*(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in Appendix 1 to OPS 1.978(a) by an alternative training and Qualification programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.*

*(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OPS 1.945, 1.965 and 1.970.*

*The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.*

*(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan in accordance with paragraph (c) of Appendix 1 to OPS 1.978.*

*(d) In addition to the checks required by OPS 1.965 and 1.970 an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).*

*1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.*

*2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue.*

*If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.*

*(e) After two years of operating within an approved ATQP an operator may, with the approval of the Authority, extend the periods of validity of OPS 1.965 and 1.970 as follows:*

*1. operator proficiency check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;*

*2. line check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the approval of the authority;*

*3. emergency and safety equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6*

*calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.*

*(f) The ATQP shall be the responsibility of a nominated post holder.*

comment 2552

comment by: Deutsche Lufthansa AG

**Comment:**

This paragraph is more demanding than EU-OPS (OPS 1.963 and associated Appendix 1 and 2 to OPS 1.963) Some EU-OPS requirements have been modified from 3 years cycle to yearly – This has not been reflected in the explanatory note, neither evaluated by means of a RIA/safety case

**Proposal:**

Re align with EU OPS provisions without changes to its technical content

comment 2553

comment by: Deutsche Lufthansa AG

**Relevant Text:**

C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - GM OR.OPS.145.FC Para 6 reads: 'The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part-FCL. In this case a combined check report may be used, details of which should be contained in the operations manual

**Comment:**

The provision for combining operator proficiency check with the check required by FCL is covered only under a GM. In order for that to be allowed, it should be at law level,:

**Proposal:**

Add (i) to OR.OPS.145.FC Recurrent training and checking

(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.

comment 2554

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(g) The validity periods mentioned in (d)(3), (e) and (f) shall be counted from the end

of the month when the check was taken.

(h) When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

**Comment:**

Delete (g) & (h)

**Proposal:**

Make a general statement in a specific article to be written at a relevant place as follows (e.g. OR.OPS.070.FC) :

*"All the validity periods mentioned in section 5 shall be counted from the end of the month when the check was taken.*

*When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."*

comment 2555

comment by: Deutsche Lufthansa AG

**Relevant Text:**

New Proposal

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following (new) regulation:

**OR.OPS.150.FC - Alternative training and qualification programme**

*(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in Appendix 1 to OPS 1.978(a) by an alternative training and Qualification programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.*

*(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OPS 1.945, 1.965 and 1.970.*

*The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.*

*(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan in accordance with paragraph (c) of Appendix 1 to OPS 1.978.*

*(d) In addition to the checks required by OPS 1.965 and 1.970 an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).*

*1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.*

*2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue.*

*If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.*

*(e) After two years of operating within an approved ATQP an operator may, with the approval of the Authority, extend the periods of validity of OPS 1.965 and 1.970 as follows:*

*1. operator proficiency check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;*

*2. line check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the*

*approval of the authority;*

*3. emergency and safety equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.*

*(f) The ATQP shall be the responsibility of a nominated post holder.*

comment 2710

comment by: Philipp Peterhans

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2711

comment by: Philipp Peterhans

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2712

comment by: Philipp Peterhans

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2713

comment by: Philipp Peterhans

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

- comment 2714 comment by: *Philipp Peterhans*
- f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 2906 comment by: *Swiss International Airlines / Bruno Pfister*
- Comment:**  
This paragraph is more demanding than EU-OPS (OPS 1.963 and associated Appendix 1 and 2 to OPS 1.963) Some EU-OPS requirements have been modified from 3 years cycle to yearly – This has not been reflected in the explanatory note, neither evaluated by means of a RIA/safety case
- Proposal:**  
Re align with EU OPS provisions without changes to its technical content
- comment 2907 comment by: *Swiss International Airlines / Bruno Pfister*
- Relevant Text:**  
(g) The validity periods mentioned in (d)(3), (e) and (f) shall be counted from the end of the month when the check was taken.  
(h) When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.
- Comment:**  
Delete (g) & (h)
- Proposal:**  
Make a general statement in a specific article to be written at a relevant place as follows (e.g. OR.OPS.070.FC) :  
*"All the validity periods mentioned in section 5 shall be counted from the end of the month when the check was taken.  
When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."*
- comment 2908 comment by: *Swiss International Airlines / Bruno Pfister*
- Relevant Text:**  
New Proposal
- Comment:**  
OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.  
The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.  
We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained

approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following (new) regulation:

**OR.OPS.150.FC - Alternative training and qualification programme**

*(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in Appendix 1 to OPS 1.978(a) by an alternative training and Qualification programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.*

*(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OPS 1.945, 1.965 and 1.970.*

*The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.*

*(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan in accordance with paragraph (c) of Appendix 1 to OPS 1.978.*

*(d) In addition to the checks required by OPS 1.965 and 1.970 an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).*

*1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.*

*2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue.*

*If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.*

*(e) After two years of operating within an approved ATQP an operator may, with the approval of the Authority, extend the periods of validity of OPS 1.965 and 1.970 as follows:*

*1. operator proficiency check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;*

*2. line check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the approval of the authority;*

*3. emergency and safety equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.*

*(f) The ATQP shall be the responsibility of a nominated post holder.*

comment

3083

comment by: ERA

**European Regions Airline Association Comment**

Sub-paragraph g) referenced validity points need to be checked as currently

they do not exist. The periods mentioned in sub-paragraph g) and h) differ (one counts from the last day of the month, the other from the expiry date).

Validity periods should be standardised so administration tasks are made easier.

comment

3142

comment by: DGAC

**Paragraph (b) Operator Proficiency check**

For pilots qualified on simple aircraft (single-engined helicopters) the number and type of checks could be rationalised with perhaps one check to cover several helicopter types. Pilots often fly on several types and it is a heavy burden to have one OPC on each type every 6 months.

**Proposed Text**

Add a (4) at the end of paragraph (b) as follows :

“Notwithstanding (a), completion by a flight crew member of operator proficiency check on any single piston engine helicopter as listed in AMC 1 to OR.OPS.145.FC or on any single engine turbine helicopter with a MTOM < 3175 kg, is deemed valid as proficiency check on the other type or variant of single-engined helicopters flown by that flight crew member, provided:

- (i) the Type Rating Proficiency Check (TRPC) on the type being valid; and
- (ii) the achievement of 2 flying hours on the type or variant within the last 6 months; and
- (iv) a strict rotation of OPCs for all helicopters being flown in the designated group

In addition, add a new AMC in AMC&GM to Part OR :

“AMC 1 to OR.OPS.145.FC

The following helicopters may be used for the purpose of operator proficiency check obtained in accordance with OR.OPS.145.FC :

-Bell 47, Brantley B2, HU 269, ENF28, UH12, HU269.”

comment

3144

comment by: DGAC

**Paragraph (g):** Correct editorial mistakes as follows :

“the validity period mentioned in **(b)(3), (c)** ~~(d)(3), (e)~~ and (f) shall be counted from the end of the month when the check was taken.

comment

3224

comment by: Irish Aviation Authority

Comment:

Paragraph (f) - typo

Justification:

Incorrect ref

Proposed text:

Validity periods mentioned in (b) (3) (c ) & (d)

comment

3243

comment by: Hans MESSERLI

c): Owing to the high number of checks it should be possible to combine with

PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3244

comment by: *Hans MESSERLI*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3245

comment by: *Hans MESSERLI*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3246

comment by: *Hans MESSERLI*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3247

comment by: *Hans MESSERLI*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

- comment 3307 comment by: *SHA (AS)*
- d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 3310 comment by: *SHA (AS)*
- e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 3312 comment by: *SHA (AS)*
- f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 3325 comment by: *easyjet safety*

**Comment to EASA NPA 2009-02c****Author:** easyJet**Page:** 17 of 136**Section:** OR.OPS.145.FC Recurrent training and checking**Relevant Text:** New regulation proposed.**Comment:**

OR.OPS.145.FC does not provide a mechanism for extending OPC, Line Check and SEP validity periods under an Alternative Training and Qualification programme (ATQP) as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the safety benefits of allowing Operators to provide valuable additional operator specific training under an ATQP. The removal of this mechanism appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978.

**Proposal:**

Include the following (new) regulation based on EU-OPS 1.978, and (new) AMC based on Appendix 1 to EU-OPS 1.978.

**OR.OPS.150.FC - Alternative training and qualification programme**

(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in OR.OPS.145.FC by an Alternative Training and Qualification Programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.

(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OR.OPS. The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.

(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan.

(d) In addition to the checks required OR.OPS an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).

1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.

2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.

(e) After two years of operating within an approved ATQP an operator may,

with the approval of the Authority, extend the periods of OR.OPS.145.FC follows:

1. Operator Proficiency Check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;
2. Line Check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the approval of the authority;
3. Emergency and Safety Equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.

(f) The ATQP shall be the responsibility of a nominated post holder.

#### **AMC O R.OPS.150.FC - Alternative training and qualification programme**

(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:

1. Low Visibility Operations –Training and Qualifications.
2. Conversion training and checking.
3. Differences training and familiarisation training.
4. Nomination as commander.
5. Recurrent training and checking.
6. Operation on more than one type or variant.

(b) Components of the ATQP — an alternative training and qualification programme shall comprise the following:

1. Documentation that details the scope and requirements of the programme;
2. A task analysis to determine the tasks to be analysed in terms of:
  - (i) knowledge;
  - (ii) the required skills;
  - (iii) the associated skill based training;
 and, where appropriate
  - (iv) the validated behavioural markers.
3. Curricula — the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;
4. A specific training programme for:
  - (i) each aeroplane type/class within the ATQP;
  - (ii) the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating — CRI/SFI/TRI), and other personnel undertaking flight crew instruction;
  - (iii) the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner — CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;
5. A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;

6. A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OR OPS;
7. An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;
8. A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;
9. A data monitoring/analysis programme.

(c) Implementation

The operator shall develop an evaluation and implementation strategy acceptable to the Authority;

the following requirements shall be fulfilled:

1. The implementation process shall include the following stages:

(i) a safety case that substantiates the validity of:

(A) the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.

(B) any new training methods implemented as part of ATQP.

If approved by the Authority the operator may establish an equivalent method other than a formal safety case.

(ii) Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.

(iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;

2. The operator may then be approved to conduct training and qualification as specified under the ATQP.

comment

3433

comment by: UK CAA

**Page No:** 17

**Paragraph No:**

OR.OPS.145.FC (b)(1)

**Comment:**

In the last line, the expression is used "...as part of a normal flight crew complement." This causes problems for those operators who employ more co-pilots than pilots-in-command and so during operator proficiency checks, occasionally 2 co-pilots are put into the simulator together for the conduct of their OPC. This offers nothing to the co-pilot who is not sitting in the correct seat and his OPC.

Inclusion of the words "*for take-off and landing*" after "crew complement" would remove this problem.

**Justification:**

Correct crew membership during OPCs leading to better trained crews.

**Proposed Text (if applicable):**

Insert after "...as part of a normal flight crew complement" the words "...during take-off and landing."

comment

3435

comment by: UK CAA

**Page No:** 17**Paragraph No:**

OR.OPS.145.FC(b)&amp;(c)

**Comment:**

Ballooning is seasonal throughout many EC Member States. Therefore, requiring a proficiency check every 6 months is not reasonable. A 12 month interval is preferred and there should also be a Line Check requirement.

**Justification:**

Most balloon operators in Europe will have difficulty in complying with conducting proficiency checks every 6 months.

**Proposed Text (if applicable):**

(b)(3) **Except in the case of balloons**, the period of validity of the operator proficiency check shall be 6 calendar months.

**(4) For balloons, the period of validity of the operator proficiency check shall be 12 calendar months.**

(c) Line check. ~~Except in the case of balloons~~, Each flight crew member shall complete a line check to demonstrate his/her competence in carrying out normal line operations described in the Operations Manual. The period of validity of a line check shall be 12 calendar months.

comment

3436

comment by: UK CAA

**Page No:** 17**Paragraph No:**

OR.OPS.145.FC(e)(2)

**Comment:**

The use of the expression "over a period not exceeding 3 years" is open to misunderstanding. Some operators conduct their specific CRM training once every 3 years and thus comply with this requirement. However, this means that some pilots are only getting refresher CRM training every third year. That is not what was intended by this OPS requirement when it was written originally.

In order to require operators to conduct this training regularly, the wording should be changed.

**Justification:**

To remove the ability of operators to misapply this requirement.

**Proposed Text (if applicable):** Amend to read "...shall be covered throughout a rolling three year period."

comment

3437

comment by: UK CAA

**Page No:** 17**Paragraph No:**

OR.OPS.145.FC (g)

**Comment:**

The incorrect reference (d)(3) has been included here. The validity for para (d) should be included here for consistency across all checking validity periods.

**Justification:**

Editorial and consistency

**Proposed Text (if applicable):** Amend “..in (d)(3) ..” to read “..in (b)(3), (c) and (d),...”

comment

3461

comment by: Graham HALLETT

OR.OPS.145.FC

A six month validity for a proficiency check is entirely inappropriate for balloons. What must be borne in mind is the seasonal nature of most ballooning activities, certainly in large portions of Europe. Taking the UK as an example, if a 6 monthly check were required, virtually everybody would get one done at the beginning of the season, in Spring. They would then fly as much as possible throughout summer, then require another check in the Autumn. Having been flying all summer, they would undoubtedly pass this check with ease, but then do very little flying over the Winter months, but then need another check in the Spring again. This second check at the end of the main flying season would thus be rendered pointless. Moreover, because all pilots would require such checks at about the same time, there would simply not be enough examiners available to perform such checks. Trying to carry out any such checks during the Winter months will also prove extremely difficulty in much of Northern Europe, because of the prevailing weather factors. Any such checks for balloons must therefore be annual.

The existing UK system of an annual line and proficiency check undertaken by a type rating examiner has been shown to work well and should be adopted.

comment

3469

comment by: *Trans Héli (pf)*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3470

comment by: *Trans Héli (pf)*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3

night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3471

comment by: *Trans Héli (pf)*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3473

comment by: *Trans Héli (pf)*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3474

comment by: *Trans Héli (pf)*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3574

comment by: *Heliswiss International*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3575

comment by: *Heliswiss International*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3576

comment by: *Heliswiss International*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3578

comment by: *Heliswiss International*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3579

comment by: *Heliswiss International*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3580

comment by: *Heliswiss International*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3707

comment by: *Icelandair***Relevant Text:**

(g) The validity periods mentioned in (d)(3), (e) and (f) shall be counted from the end of the month when the check was taken.

(h) When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

**Comment:**

Delete (g) & (h)

**Proposal:**

Make a general statement in a specific article to be written at a relevant place as follows (e.g. OR.OPS.070.FC) :

*"All the validity periods mentioned in section 5 shall be counted from the end of the month when the check was taken.*

*When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."*

comment 3710

comment by: *AIR FRANCE***Comment:**

This paragraph is more demanding than EU-OPS (OPS 1.963 and associated Appendix 1 and 2 to OPS 1.963) Some EU-OPS requirements have been modified from 3 years cycle to yearly – This has not been reflected in the explanatory note, neither evaluated by means of a RIA/safety case

**Proposal:**

Re align with EU OPS provisions

comment 3768

comment by: *Swiss Helicopter Group*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3770

comment by: *Swiss Helicopter Group*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3772

comment by: *Swiss Helicopter Group*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3774

comment by: *Swiss Helicopter Group*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3775

comment by: *Swiss Helicopter Group*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3806

comment by: *IACA International Air Carrier Association*

(g) shall refer to (b) and not to (d).

comment 3808

comment by: *IACA International Air Carrier Association*

(g)

There is no mention in EASA OPS of ATQP reference EU-OPS 1.978 and Appendix 1 to EU-OPS 1.978.

Proposal: Reinstate reference and requirements for ATQP as per EU-OPS 1.978 and Appendix 1 to EU-OPS 1.978.

comment 3863

comment by: *Eliticino SA*

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training

(annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3864

comment by: *Eliticino SA*

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3865

comment by: *Eliticino SA*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3866

comment by: *Eliticino SA*

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3869

comment by: *Eliticino SA*

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3955

comment by: *ANE (Air Nostrum) OPS QM*

Sub-paragraph g) referenced validity points need to be checked as currently they do not exist. The periods mentioned in sub-paragraph g) and h) differ (one counts from the last day of the month, the other from the expiry date).

Validity periods should be standardised so administration tasks are made easier.

comment 4053

comment by: *British Airways*

**Relevant Text:** New regulation proposed.

**Comment:**

OR.OPS.145.FC does not provide a mechanism for extending OPC, Line Check and SEP validity periods under an Alternative Training and Qualification programme (ATQP) as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the safety benefits of allowing Operators to provide valuable additional operator specific training under an ATQP. The removal of this mechanism appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978.

**Proposal:**

Include the following (new) regulation based on EU-OPS 1.978, and (new) AMC based on Appendix 1 to EU-OPS 1.978.

**OR.OPS.150.FC - Alternative training and qualification programme**

(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in OR.OPS.145.FC by an Alternative Training and Qualification Programme (ATQP) approved by the Authority. The two years continuous operations may be reduced at the discretion of the Authority.

(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OR.OPS. The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.

(c) An operator applying for approval to implement an ATQP shall provide the Authority with an implementation plan.

(d) In addition to the checks required OR.OPS an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).

1. The line orientated evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.

2. The period of validity of a LOE shall be 12 calendar months, in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.

(e) After two years of operating within an approved ATQP an operator may, with

the approval of the Authority, extend the periods of OR.OPS.145.FC follows:

1. operator proficiency check — 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check;
2. line check — 24 calendar months in addition to the remainder of the month of issue. If issued within the final six calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a line oriented quality evaluation (LOQE) with the approval of the authority;
3. emergency and safety equipment checking — 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.

(f) The ATQP shall be the responsibility of a nominated post holder.

#### **AMC OR.OPS.150.FC - Alternative training and qualification programme**

(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:

1. Low Visibility Operations –Training and Qualifications.
2. Conversion training and checking.
3. Differences training and familiarisation training.
4. Nomination as commander.
5. Recurrent training and checking.
6. Operation on more than one type or variant.

(b) Components of the ATQP — an alternative training and qualification programme shall comprise the following:

1. Documentation that details the scope and requirements of the programme;
2. A task analysis to determine the tasks to be analysed in terms of:
  - (i) knowledge;
  - (ii) the required skills;
  - (iii) the associated skill based training;
 and, where appropriate
  - (iv) the validated behavioural markers.
3. Curricula — the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;
4. A specific training programme for:
  - (i) each aeroplane type/class within the ATQP;
  - (ii) the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating — CRI/SFI/TRI), and other personnel undertaking flight crew instruction;
  - (iii) the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner — CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;
5. A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;
6. A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-

based assessment as part of the LOE. The method of assessment shall comply with the provisions of OR OPS;

7. An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;

8. A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;

9. A data monitoring/analysis programme.

(c) Implementation

The operator shall develop an evaluation and implementation strategy acceptable to the Authority;

the following requirements shall be fulfilled:

1. The implementation process shall include the following stages:

(i) a safety case that substantiates the validity of:

(A) the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.

(B) any new training methods implemented as part of ATQP.

If approved by the Authority the operator may establish an equivalent method other than a formal safety case.

(ii) Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.

(iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;

2. The operator may then be approved to conduct training and qualification as specified under the ATQP.

comment

4075

comment by: *British Airways*

**Comment:**

This paragraph is more demanding than EU-OPS (OPS 1.963 and associated Appendix 1 and 2 to OPS 1.963) Some EU-OPS requirements have been modified from 3 years cycle to yearly – This has not been reflected in the explanatory note, neither evaluated by means of a RIA/safety case

**Proposal:**

Re align with EU OPS provisions without changes to its technical content

comment

4076

comment by: *British Airways*

**Relevant Text:**

(g) The validity periods mentioned in (b), (d)(3), (e) and (f) shall be counted from the end of the month when the check was taken.

(h) When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

**Comment:**

Delete (g) & (h)

**Proposal:**

Make a general statement in a specific article to be written at a relevant place as follows (e.g. OR.OPS.070.FC) :

*"All the validity periods mentioned in section 5 shall be counted from the end of the month when the check was taken.*

*When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."*

comment 4088 comment by: *Pascal JOUBERT*

Balloon/FSTD training do not exist.

comment 4090 comment by: *European Balloon Corporation*

Balloon/FSTD training do not exist.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 2 -  
OR.OPS.155.FC Operation on more than one type or variant**

p. 17

comment 558 comment by: *Air-Glaciers (pf)*

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 665 comment by: *AEA*

**Comment:**

The credits to operate more than one type or variants as defined in the Operational Suitability Certificate (O-SC) should be added to the hard-law. This should not be interpreted as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as an AEA/operator desire to get credits from current JOEB processes.

**Proposal:**

OR.OPS.155.FC to add new (c) with similar text as the one of OR.OPS.055.FC, to read:

*(c) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Chapter, unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.*

comment 887 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.155.FC: Request clarification:

Rewrite requirement in a logic and appropriate way.

**Justification:**

The logic and efficiency of this paragraph is largely destroyed in this draft. It should establish different requirements for:

- operation of different aircraft, and
- operation of aircraft and helicopter.

Since the second is a remote operation, as compared to the use of the first option, it should build on the requirements for operation of different aircraft.

The rationale of EU-OPS that this kind of operation needs to be justified by similarities of the types concerned cannot be omitted or downgraded into AMC.

The process for justification of this operation and the continued safety case must be demonstrated by an operator in appropriate assessment of operation, types and crew qualification.

None of these can be downgraded into AMC.

comment

896

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.155.FC (a): add text:

**The operator shall specify appropriate procedures and operational restrictions in the Operations Manual.**

**Justification:**

Operation of more than one type or variant need detailed requirements that must be specified in the OM.

comment

1089

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland***Concern detail:**

Operation on more than one type or variant

**Comment / Proposal:**

Modify text:

(a) When a flight crew member [...] in case of complex aircraft.

**Remarks:**

Non-complex helicopters (as the terms states) should be possible to operate without any restrictions.

comment

1521

comment by: *TAP Portugal***Comment:**

The credits to operate more than one type or variants as defined in the Operational Suitability Certificate (O-SC) should be added to the hard-law. This should not be interpreted as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as an AEA/operator desire to get credits from current JOEB processes.

**Proposal:**

OR.OPS.155.FC to add new (c) with similar text as the one of OR.OPS.055.FC, to read:

*(c) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Chapter, unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.*

comment 1570 comment by: REGA

**(a)** Technology, operational procedures, handling characteristics of non-complex helicopters are quite similar. To limit the amount of types without neither consider their complexity nor certified take-off mass (MCTOM) or the maximum passenger seating configuration seems not adequate. A limitation of only one type of each when flying both helicopters and aeroplane independently the complexity of the aircraft does not respect proportionality regarding flight safety targets. As long as the required training and checking is provided, the acceptance of the amount of different types of aircraft a flight crew member may operate shall be the objective of the competent Authority.

**Proposal (a)**

*When a flight crew member operates both helicopters and aeroplanes the competent authority decides, based on the aspects (b) (1)-(4) and the complexity of the aircraft, the maximum of types or variants the flight crew member may operate in combination.*

comment 1762 comment by: Airbus

OR.OPS.155.FC Operation on more than one type or variant

Comment:

In order to restore the specific authorization for credit at **law** level, OR.OPS.155.FC Operation on more than one type or variant should be amended

**Proposal:** To add a new paragraph (c), similar to paragraph (a) in OR.OPS.055.FC:

**(c)** Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Section, unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.

comment 2080 comment by: AUSTRIAN Airlines

**Comment:**

The credits to operate more than one type or variants as defined in the Operational Suitability Certificate (O-SC) should be added to the hard-law. This should not be interpreted as AUSTRIAN support for the current O-SC concept and processes (see AUSTRIAN comments to NPA 2009-1) but as an AUSTRIAN/operator desire to get credits from current JOEB processes.

**Proposal:**

OR.OPS.155.FC to add new (c) with similar text as the one of OR.OPS.055.FC, to read:

*(c) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Chapter, unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.*

comment

2379

comment by: *KLM***Comment:**

The credits to operate more than one type or variants as defined in the Operational Suitability Certificate (O-SC) should be added to the hard-law. This should not be interpreted as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as an AEA/operator desire to get credits from current JOEB processes.

**Proposal:**

OR.OPS.155.FC to add new (c) with similar text as the one of OR.OPS.055.FC, to read:

*(c) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Chapter, unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.*

comment

2556

comment by: *Deutsche Lufthansa AG***Comment:**

The credits to operate more than one type or variants as defined in the Operational Suitability Certificate (O-SC) should be added to the hard-law. This should not be interpreted as Lufthansa support for the current O-SC concept and processes (see Lufthansa comments to NPA 2009-1) but as an operator desire to get credits from current JOEB processes.

**Proposal:**

OR.OPS.155.FC to add new (c) with similar text as the one of OR.OPS.055.FC, to read:

*(c) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Chapter, unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.*

comment

2909

comment by: *Swiss International Airlines / Bruno Pfister***Comment:**

The credits to operate more than one type or variants as defined in the Operational Suitability Certificate (O-SC) should be added to the hard-law. This should not be interpreted as AEA support for the current O-SC concept and processes (see AEA comments to NPA 2009-1) but as an AEA/operator desire to get credits from current JOEB processes.

**Proposal:**

OR.OPS.155.FC to add new (c) with similar text as the one of OR.OPS.055.FC, to read:

*(c) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Chapter, unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.*

comment

4077

comment by: *British Airways***Comment:**

The credits to operate more than one type or variants as defined in the

Operational Suitability Certificate (O-SC) should be added to the hard-law. This should not be interpreted as BA support for the current O-SC concept and processes but as an AEA/operator desire to get credits from current JOEB processes.

**Proposal:**

OR.OPS.155.FC to add new (c) with similar text as the one of OR.OPS.055.FC, to read:

*(c) Flight crew members operating more than one type or variant of aircraft shall comply with all of the requirements prescribed in this Chapter, unless credits related to the training, checking, and recent experience requirements are identified in the Operational Suitability Certificate issued in accordance with Part 21.*

**C. III. Draft Opinion Part-OR - Subpart OPS - Section V - Chapter 3**

p. 18

comment

1986

comment by: Elaine Allan Monarch

Page No. 18

Ref No. NPA 2009 -02c OR OPS 110 CC

Summary of EASA Proposed Requirement:

Cabin Crew members shall be assigned to duties on an aircraft only if they: 4) have been **checked** as proficient to perform all assigned duties

Comment:

How does an operator check.

Justification:

Clarification required with regard to what checked means.

Proposed Text (if applicable)

comment

1987

comment by: Elaine Allan Monarch

Page No. 7

Ref No. NPA 2009 -02c OR OPS 110 CC

Summary of EASA Proposed Requirement:

The Cabin Crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers

Comment:

How should this be carried out, is a PA announcement sufficient?

Justification:

Clarification required on how this can be achieved

Proposed Text (if applicable)

The Cabin Crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers **prior to departure as part of the pre flight safety demonstration.**

comment 3741 comment by: *Christian Hölzle*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

**C. III. Draft Opinion Part- OR - Subpart OPS - Section V - Chapter 3 - OR.OPS.240.FC Recurrent training and checking - Operator Proficiency Check** p. 18

comment 364 comment by: *Reto Ruesch*

OR Ops 240 FC  
Recurrent training / annual operator check / 12 months  
Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 481 comment by: *Heli Gotthard*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 504 comment by: *Stefan Huber*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 527 comment by: *Air Zermatt*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 561

comment by: *Air-Glaciers (pf)*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 787

comment by: *Heli Gotthard AG Erstfeld*

OR Ops 240 FC

Recurrent training / annual operator check / 12 months

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 829

comment by: *Berner Oberländer Helikopter AG BOHAG*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 852

comment by: *Jill Pelan*

**OR OPS 110 CC (Page 18)**

(b) "The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers"

**CFDT France COMMENT : Too vague -this should be more precise -- wearing of the operator's uniforms / badges ? In the case of badges (used presently by Air France) Passengers can not identify qualified crew from the back or in smoke when the badge is hard to see....**

**OR OPS 210 CC COnditions for asignment to duties (Page 21)**

(b) (2) "Such a uniform is compatible with the safety functions of cabin crew and is clearly identifiable to passengers"

**CFDT COMMENT : What is comptabile ? THis needs to be clarified by CS Material. WHat is cl early identifiable to passengers? This needs to be defined clearly as too vague .**

comment 963

comment by: *Heliswiss*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 987

comment by: *Heliswiss NV*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1014

comment by: *Dirk Hatebur*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1091

comment by: *Federal Office of Civil Aviation (FOCA), Switzerland***Concern detail:**

Recurrent training and checking - Operator Proficiency Check

**Comment / Proposal:**

Modify text:

(a) Each flight [...]; a combination with the licence proficiency check is possible.

comment 1310

comment by: *Catherine Nussbaumer*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight

crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1334

comment by: Jan Brühlmann

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1356

comment by: Walter Mayer, Heliswiss

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1548

comment by: Pascal DREER

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELLO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1571

comment by: REGA

To be more transparent: The possibility to combine the Operator Proficiency Check with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL should be mentioned in OR.OPS.240.FC: add letter (d)

**Proposal (d)**

*The annual operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.*

- comment 1974 comment by: *Southern Cross International*
- Due to the type of operations of our company (test and ferry flights) and taking into consideration the wide variety of aircraft operated by our company, the different equipment fits for each of those aircraft, the extreme short period of time those aircraft are operated, and the fact that the majority of our crews are employed on a contract per flight basis, requiring an operator proficiency check is not practicable as these crew members will be compliant with the training programme established by their regular employer and will also complete recurrent training and checking for the subject type of aircraft with their regular employer.
- comment 2003 comment by: *Austro Control GmbH*
- (a)  
Add at the end the paragraph: ***In addition to these checks the requirements governing of a flight crew licences may be combined with the operator proficiency check.***
- Justification:  
The option that OPC and LPC are in one should be provided to avoid double checks and to reduce costs for all stakeholders.  
Besides that this was already regulated in EU-OPS Appendix 1 to OPS 1.965.
- comment 2206 comment by: *Ted Moore*
- The imposition of annual proficiency checks on non CAT operations is completely unnecessary bearing in mind the excellent safety record over the last thirty years. balloons are simple aircraft and do not require treatment along the same lines as more complicated aircraft. There should be a separate category for Hot Air Balloons encompassing all forms of commercial work including passenger rides.
- comment 2216 comment by: *Christophe Baumann*
- Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 2239 comment by: *HDM Luftrettung gGmbH*
- OR.OPS.240.FC:  
Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial

OPS other than CAT (annual check), dangerous check (2 years).

comment 2258

comment by: *Benedikt SCHLEGEL*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2293

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2715

comment by: *Philipp Peterhans*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2830

comment by: *Ph. Walker*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3145

comment by: *DGAC*

This paragraph misses the intent of A-NPA JAR-OPS 4 Subpart N (initial training specific to the specialized task, recency/recurrent checking specific to the specialized task)

comment 3146 comment by: DGAC

(c) :

For consistency with OR.OPS.145.FC, this paragraph should be rewritten as follows:

**"(c) the validity period of the operator proficiency check should be 12 calendar months.**

**(d) the validity period shall be counted from the end of the month when the check was taken.**

**(e) when the OPC is undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date."**

comment 3180 comment by: Irish Aviation Authority

Comment:

For Commercial Ops other than CAT the requirement states that a Flt crew member shall complete **annual** OPC

Justification:

Clarification

Proposed text:

Confirm that the validity period for an OPC for Commercial Ops (non CAT) is 12 months and not 6 months?

comment 3248 comment by: Hans MESSERLI

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3313 comment by: SHA (AS)

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3462 comment by: Graham HALLETT

OR.OPS.240.FC

The need for annual operator proficiency checks for ballooning operations other than Commercial Air Transport is simply not justified. Leaving aside Commercial Air Transport activities, there are essentially no additional

operational procedures involved than there are for private balloon operations. Thus all that may need to be assessed is the basic pilot competence, which is adequately addressed under the FCL rules. This section should be prefixed with 'Except balloons'

comment 3475

comment by: *Trans Héli (pf)*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3581

comment by: *Heliswiss International*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3776

comment by: *Swiss Helicopter Group*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3870

comment by: *Eliticino SA*

Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 666

comment by: *AEA*

**Comment:**

There should be only one definition of cabin crew which should be fully in line with Subpart O of EU-OPS (EU-OPS 1.988)

**Proposal:**

Add to the generic part a definition of cabin crew to read as '*Cabin Crew Member means any crew member, other than a flight or technical crew member, who performs in the interests of safety of passengers duties assigned to him/her by the operator or the commander in the cabin of an aircraft.*'

comment

1520

comment by: TAP Portugal

**Comment:**

There should be only one definition of cabin crew which should be fully in line with Subpart O of EU-OPS (EU-OPS 1.988)

**Proposal:**

Add to the generic part a definition of cabin crew to read as '*Cabin Crew Member means any crew member, other than a flight or technical crew member, who performs in the interests of safety of passengers duties assigned to him/her by the operator or the commander in the cabin of an aircraft.*'

comment

1898

comment by: Walter Gessky

1. **Section VI – Cabin crew**

General comment:

We consider that the attestation and medical requirements go far beyond anything that EU OPS or the Basic Regulation envisaged. In particular, the attestation requirements and mandatory medical standards, which are very close to the standards for private pilots, could impose significant unnecessary costs on industry and authorities. There is no evidence that flight safety, or the safety of passengers during emergency evacuation, has ever been compromised as a result of cabin crew incapacitation.

EASA should only propose to regulate the attestation as required by EU OPS and develop the 'EASA attestation' concept later, as this is not a priority for safety. EASA have also suggested medical requirements for 'technical' crew such as crew undertaking helicopter emergency medical services which are also unnecessary. Technical crew members are defined as passengers and their incapacitation would have no impact on flight safety.

When EASA intend to continue, changes are proposed to the individual points.

comment

2081

comment by: AUSTRIAN Airlines

**Comment:**

There should be only one definition of cabin crew which should be fully in line with Subpart O of EU-OPS (EU-OPS 1.988)

**Proposal:**

Add to the generic part a definition of cabin crew to read as '*Cabin Crew Member means any crew member, other than a flight or technical crew member, who performs in the interests of safety of passengers duties assigned to him/her by the operator or the commander in the cabin of an aircraft.*'

comment

2381

comment by: KLM

**Comment:**

There should be only one definition of cabin crew which should be fully in line with Subpart O of EU-OPS (EU-OPS 1.988)

**Proposal:**

Add to the generic part a definition of cabin crew to read as '*Cabin Crew Member means any crew member, other than a flight or technical crew member, who performs in the interests of safety of passengers duties assigned to him/her by the operator or the commander in the cabin of an aircraft.*'

comment 2557

comment by: *Deutsche Lufthansa AG***Comment:**

There should be only one definition of cabin crew which should be fully in line with Subpart O of EU-OPS (EU-OPS 1.988)

**Proposal:**

Add to the generic part a definition of cabin crew to read as '*Cabin Crew Member means any crew member, other than a flight or technical crew member, who performs in the interests of safety of passengers duties assigned to him/her by the operator or the commander in the cabin of an aircraft.*'

comment 2910

comment by: *Swiss International Airlines / Bruno Pfister***Comment:**

There should be only one definition of cabin crew which should be fully in line with Subpart O of EU-OPS (EU-OPS 1.988)

**Proposal:**

Add to the generic part a definition of cabin crew to read as '*Cabin Crew Member means any crew member, other than a flight or technical crew member, who performs in the interests of safety of passengers duties assigned to him/her by the operator or the commander in the cabin of an aircraft.*'

comment 3070

comment by: *Virgin Atlantic Airways***Comment:**

There should be only one definition of cabin crew which should be fully in line with Subpart O of EU-OPS (EU-OPS 1.988)

**Proposal:**

Add to the generic part a definition of cabin crew to read as '*Cabin Crew Member means any crew member, other than a flight or technical crew member, who performs in the interests of safety of passengers duties assigned to him/her by the operator or the commander in the cabin of an aircraft.*'

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - OR.OPS.005.CC**  
**Scope**

p. 18

comment 2854

comment by: *Civil Aviation Authority of Norway*

The scope should be more specific, and take into consideration that an operator/owner may use cabin crew in aircraft certified without requirements for cabin crew. In that case it will not be appropriate to require the same requirements as for mandatory cabin crew operations.

comment 3386 comment by: *Konrad Polreich*

OR.OPS.005.CC Scope

Although "Part CC" is particularly not applicable for cabin crews in non-commercial operations, there are several references made in this section to "Part CC" (OR.OPS.110 (a)(3); OR.OPS.125.CC (C)(3)). This is confusing and misleading.

Suggestion:  
State all applicable requirements for the non-commercial operators separately.

comment 3941 comment by: *FAA*

**1. OR.OPS.005.CC Scope**

*Comment:*  
This section establishes the requirements to be met by an operator when operating an aircraft with cabin crew. The applicability of these requirements to a TCO is not clear in the basic rule or the guidance material.

*Recommendation:*  
Modify the applicability statement and the guidance material to address the applicability to a TCO.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 1 -  
OR.OPS.105.CC Number and composition of cabin crew**

p. 18

comment 310 comment by: *EHOC*

General

This is not in line with the stated intent to make the regulation more objective; it is prescriptive when the Standard in ICAO Annex 6 Part II Chapter 3.12.1 is objective:

"The requirement for cabin crew for each type of aeroplane shall be determined by the operator, based on seating capacity or the number of passengers carried, in order to effect a safe and expeditious evacuation of the aeroplane, and the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The operator shall assign these functions for each type of aeroplane."

comment 764 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.105.CC(c):  
ECA requests clarification:  
The text as written creates the impression that only one cabin crew member is "responsible to the pilot-in-command". This is not acceptable, as all cabin crew members shall report to the PIC. Why is the term "senior cabin crew member" not used?

comment 765 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.105.CC(a): Add a requirement to define the safety relevant duties of cabin crew members in the OPS manual.

Justification:

Requirement to define the safety relevant duties of cabin crew in the OPS manual has been deleted.

comment 800

comment by: *ETF*

Comment: The minimum number and composition of cabin crew has worked well over the years and has established a level playing field in this respect.

comment 1041

comment by: *AEA*

**Relevant Text:**

OR.OPS.105.CC

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

1522

comment by: *TAP Portugal***Relevant Text:**

OR.OPS.105.CC

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

1975

comment by: *kapers Cabin Crew Union*

Comment: The minimum number and composition of cabin crew has worked well over the years and has established a level playing field in this respect.

comment

2082

comment by: *AUSTRIAN Airlines***Relevant Text:**

OR.OPS.105.CC

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an

aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

2382

comment by: KLM

**Relevant Text:**

OR.OPS.105.CC

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in

accordance with (a) may be reduced in unforeseen circumstances provided that:

- (1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;
- (2) there is at least:
  - (i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or
  - (ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

2558

comment by: *Deutsche Lufthansa AG*

**Relevant Texts:**

**OR.OPS.105.CC**

- (a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.
- (b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.
- (c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

**OR.OPS.205.CC** Number and composition of cabin crew

- (a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.
- (b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.
- (c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.
- (d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:
  - (1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;
  - (2) there is at least:
    - (i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or
    - (ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with

deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

2844

comment by: *Southern Cross International*

There is no clear definition for passenger.

Technical crew members shall not be considered as passengers but as crew members, assigned for a specific task by the operator. Therefore the presence of technical crew members shall not require the assignment of one or more cabin crew members.

Although OR-OPS().TC describes the requirements for some technical crew members in HEMS, HHO and NVIS operations, in other type of operations also technical crew members may be present. Some examples are flight test engineers (see Part 21), flight test instrumentation engineers, load masters, radar operators, system and payload specialists, observers, et cetera. In addition, during acceptance and demonstration flights customer technical representatives and authorities may be present during a flight.

The following definition is proposed for 'passenger' (see comment #3172 to NPA 2009-02b)

A passenger shall mean any person who is present under a contract of carriage or any other person other than a crew member, an owner or operator's employee in an official capacity, an authorized representative of an appropriate national authority or person accompanying a consignment or other cargo.

comment

2855

comment by: *Civil Aviation Authority of Norway*

Comment to (a);

Some alleviation should be given for non-revenue flights carrying only the operator's personnel. For instance, it would be inappropriate to require 3 cabin crew members on a B737 with only a few company staff onboard.

comment

2911

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

OR.OPS.105.CC

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations

when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment 3709

comment by: *Icelandair*

**Relevant Text:**

OR.OPS.105.CC

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 1 -  
OR.OPS.110.CC Conditions for assignment of cabin crew to duties**

p. 18

comment

427

comment by: CAA-NL

Comment regarding:

(b) The cabin crew members and their functions with regard to flight and passenger safety (.../...)

Comment CAA-NL:

How must 'functions' be interpreted and how shall this be identified to the passengers?

Reason: Interpretation differences

comment

667

comment by: AEA

**Relevant Text:**

(b ) The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers

**Comment:**

This definition is different from EU-OPS. In order to create legal certainty the definition should be realigned with EU-OPS Subpart O (OPS 1.988 and OPS 1.989)

**Proposal:**

Cabin Crew Member means any crew member, other than flight crew member, who performs, in the interests of safety of passengers, duties assigned to him/her by the operator or the commander in the cabin of the aeroplane.

An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to passengers as a cabin crew member

Other personnel, such as medical staff, security staff, child minders, escorts, technical staff, entertainers, interpreters who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as cabin crew member, unless they comply with the requirements of this subpart and any other applicable requirements of this regulation,

comment

668

comment by: AEA

**Relevant Text:**

(a) Cabin Crew members shall be assigned to duties on an aircraft only if they:

**Comment:**

'assignment to duties' should be limited to 'assignment to **safety** duties' taking

into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:**

Amend the paragraph to read as '*Cabin Crew members shall be assigned to safety duties on an aircraft only if they*

comment 714

comment by: *Luftfahrt-Bundesamt*

The proposed rule does not mirror JAR-OPS 1.990 completely. Those parts where an operator can reduce the number of CC has been moved to another place; an AMC? We were not able to find it. If it is maintained to downgrade the missing part of the initial rule in OPS 1.990, we do not agree. Instead, the material needs to be re-established in the rule part.

Justification: see LBA - General Comment, reasons 1 and 2

comment 739

comment by: *claire.amos*

(4)

This is not clear as to how and under what frequency. A reference to the training requirements listed elsewhere in this document would be beneficial to operators.

comment 750

comment by: *claire.amos*

(4) (b) **'and their functions'**....this is an addition but what isn't clear is to what extent we need to inform passengers. Is the basic information within the PA's adequate or do we have to go into more detail? Clarification required.

comment 801

comment by: *ETF*

Add: (a) (3) have completed all training required by PartCC and this Chapter to perform the assigned duties;

Add: **(4) holds a cabin crew attestation**, and ~~(4)~~ **(5)** have been checked as proficient to perform all assigned duties.

Reason: A cabin crew attestation will document that they have successfully completed their training and fulfil the ER 7.b. on cabin crew of Regulation 216/2008.

comment 843

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.110.CC(b): add the following text:

(b) The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers **by wearing the operator's cabin crew uniform**.

Justification:

The requirement to be clearly identifiable to passengers by wearing the operator's uniform has been deleted. In case of an emergency the uniform is of utmost importance in order to safely evacuate an aircraft and steer passengers away from danger.

- comment 844 comment by: *ECA - European Cockpit Association*  
 Comment on OR.OPS.110.CC: request clarification.  
 Justification:  
 The text implies that a cabin crew member can be assigned to duties without a cabin crew attestation, as the attestation is not listed here. This list seems to be a repetition of CC.CCA.100
- comment 856 comment by: *AEA*  
**Relevant Text:**  
 (a)(2)... in accordance with the medical requirements specified in Part-MED as applicable to the type of operations  
**Comment:**  
 There is no safety justification and no legal basis to alter the medical fitness requirements of EU-OPS (see AEA comments to Part-MED). The reference to Part-MED should therefore be deleted and replaced with a copy paste of the EU-OPS medical fitness requirements for cabin crew.  
**Proposal:**  
 Realign with the EU-OPS medical fitness requirements for cabin crew
- comment 1040 comment by: *AEA*  
**Relevant Text:**  
 (a) (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in Part-MED as applicable to the type of operations;  
**Proposal:**  
 Refer to exact location in Part Med
- comment 1121 comment by: *Austro Control GmbH*  
 (a) (4):  
 There is no more scope of discretion for the Authority referring to the checking (more legal certainty):  
 So a more precised definiton is suggested:  
*"have been checked after each training in the subjects covered to ensure that the cabin crew member is competent to perform all assigned duties".*  
 (b):  
 The consequence of the omission of "wear the operator's cabin crew uniform" is that cabin crew members are not identifiable to the passengers.  
 Text suggested:  
*"The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers by wearing the operator's cabin crew uniform".*
- comment 1266 comment by: *UK CAA*  
**Page No:** 18  
**Paragraph No:** OR.OPS.110.CC (a) (2) Conditions for assignment of cabin

crew to duties

**Comment:** PART MED proposals are not appropriate for cabin crew.

**Justification:** There is no evidence that the medical requirements specified in Part-MED are evidence based or appropriate to cabin crew (see comments on part MED).

**Proposed Text (if applicable):**

OR.OPS.110.CC (a) (2) Amend to 'have been assessed fit to perform all assigned duties and responsibilities safely'. Delete: "in accordance with the medical requirements specified in Part-Med as applicable to the type of operations;"

comment

1393

comment by: AEA

**Relevant text:**

(a) (4) *have been checked as proficient to perform all assigned duties.*

**Comment:** "**Checked**" in this requirement does not have added value because the checks have already been performed by complying to requirement (a)(3).

**Proposed text:** Use the sentence from EUOPS 1.995 (f): Is competent to perform his/her duties in accordance with procedures specified in the Operations Manual.

comment

1523

comment by: TAP Portugal

**Relevant Text:**

(b ) The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers

**Comment:**

This definition is different from EU-OPS. In order to create legal certainty the definition should be realigned with EU-OPS Subpart O (OPS 1.988 and OPS 1.989)

**Proposal:**

Cabin Crew Member means any crew member, other than flight crew member, who performs, in the interests of safety of passengers, duties assigned to him/her by the operator or the commander in the cabin of the aeroplane.

An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to passengers as a cabin crew member.

Other personnel, such as medical staff, security staff, child minders, escorts, technical staff, entertainers, interpreters who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as cabin crew member, unless they comply with the requirements of this subpart and any other applicable requirements of this regulation,

comment

1524

comment by: TAP Portugal

**Relevant Text:**

(a) Cabin Crew members shall be assigned to duties on an aircraft only if they:

**Comment:**

'assignment to duties' should be limited to 'assignment to **safety** duties' taking

into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:**

Amend the paragraph to read as '*Cabin Crew members shall be assigned to safety duties on an aircraft only if they*

comment

1525

comment by: TAP Portugal

**Relevant Text:**

(a)(2)... in accordance with the medical requirements specified in Part-MED as applicable to the type of operations

**Comment:**

There is no safety justification and no legal basis to alter the medical fitness requirements of EU-OPS (see AEA comments to Part-MED). The reference to Part-MED should therefore be deleted and replaced with a copy paste of the EU-OPS medical fitness requirements for cabin crew.

**Proposal:**

Realign with the EU-OPS medical fitness requirements for cabin crew

comment

1526

comment by: TAP Portugal

**Relevant Text:**

(a) (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in Part-MED as applicable to the type of operations;

**Proposal:**

Refer to exact location in Part Med

comment

1527

comment by: TAP Portugal

**Relevant text:**

(a) (4) *have been checked as proficient to perform all assigned duties.*

**Comment:** "**Checked**" in this requirement does not have added value because the checks have already been performed by complying to requirement (a)(3).

**Proposed text:** Use the sentence from EUOPS 1.995 (f): Is competent to perform his/her duties in accordance with procedures specified in the Operations Manual.

comment

1697

comment by: Thomas Cook Airlines

Comment:

Clarification required with regard to what the is meant by being checked

comment

1698

comment by: Thomas Cook Airlines

b)

Justification:

Clarification required on how this can be achieved

Proposal:

The Cabin Crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers prior to departure

as part of the pre flight safety demonstration.

comment

1719

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS.110.CC Conditions for assignment of cabin crew to duties (a) (3)**

**Comment:**

EU-OPS 1.995 wording is better:

**Proposal:**

**Change to:**

"has passed a medical examination or assessment at regular intervals so as to check the medical fitness to discharge his/her duties."

comment

1735

comment by: *Jill Pelan*

**OR OPS 110 CC  
Conditions for assignment of cabin crew to duties (Page 18)**

(a) Cabin crew members shall be assigned to duties on an aircraft only if they:

- (1) are at least 18 years of age;
- (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in PartMED as applicable to the type of operations;
- (3) have completed all training required by PartCC and this Chapter to perform the assigned duties; and
- (4) have been checked as proficient to perform all assigned duties.

(b) The cabin crew members and their functions with regard to flight and passenger safety

shall be clearly identified to the passengers.

***Comment CFDT FRANCE : This is Not legally binding as too vague. The CFDT union asks for this to be clearly defined .***

***What is "clearly identifiable"?***

***At Present Air France & other French Operators use red badges to identify Cabin crew (as against other personnel working on onboard for commercial reasons).***

***These badges are not seen by passengers when seen from the back and cannot be seen when in smoke conditions.***

comment

1837

comment by: *Jill Pelan*

**THE CFDT France and ETF demand**

Add: (a) (3) have completed all training required by PartCC and this Chapter to perform the assigned duties;

Add: **(4) holds a cabin crew attestation**, and ~~(4)~~ **(5)** have been checked as proficient to perform all assigned duties.

Reason: A cabin crew attestation will document that they have successfully completed their training and fulfil the ER 7.b. on cabin crew of Regulation 216/2008.

- comment 1899 comment by: *Walter Gessky*
- 1. OR.OPS.110.CC Conditions for assignment of cabin crew to duties**  
 (a) Cabin crew members shall be assigned to duties on an aircraft only if they:  
 (1) are at least 18 years of age;  
 (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in PartMED as applicable to the type of operations;  
 (3) have completed **the initial safety training and hold an adequate attestation and have completed** all **additional** training required by PartCC and this Chapter to perform the assigned duties; and  
 (4) have been checked as proficient to perform all assigned duties;  
 (5) **are not adversely affected by alcohol or drugs;**  
 (6) **have not obtained the cabin crew attestation by falsification of submitted documentary evidence;**  
**(7) No evidence is known of fraudulent use of the cabin crew attestation.**  
**Justification:**  
 The attestation is only an attest that initial safety was obtained. It is the responsibility of the operator that the additional training (conversion and differences, familiarization, recurrent) is completed, that the cabin crew member is not effected by alcohol and drugs, the fraudulent use of the attestation and the attestation was issued based on wrong documents. See also comments to AR.CC.215.
- comment 1905 comment by: *FSC - CCOO*
- (a)(2) Supported
- Reason: BR 216/2008 ANNEX III, 7.b. Cabin crew members must: (ii) be periodically assessed for medical fitness to safely exercise their assigned safety duties. Compliance must be shown by appropriate assessment based on aero-medical best practice.
- comment 1906 comment by: *FSC - CCOO*
- Add: (5) hold a valid cabin crew attestation.  
 Reason: A cabin crew attestation will document that they have successfully completed their training and fulfil the ER 7.b. on cabin crew of Regulation 216/2008.
- comment 1976 comment by: *kapers Cabin Crew Union*
- Add: (a) (3) have completed all training required by PartCC and this Chapter to perform the assigned duties;  
 Add: **(4) holds a cabin crew attestation,** and ~~(4)~~**(5)** have been checked as proficient to perform all assigned duties.
- Reason: A cabin crew attestation will document that they have successfully completed their training and fulfil the ER 7.b. on cabin crew of Regulation 216/2008.
- comment 2083 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(b ) The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers

**Comment:**

This definition is different from EU-OPS. In order to create legal certainty the definition should be realigned with EU-OPS Subpart O (OPS 1.988 and OPS 1.989)

**Proposal:**

Cabin Crew Member means any crew member, other than flight crew member, who performs, in the interests of safety of passengers, duties assigned to him/her by the operator or the commander in the cabin of the aeroplane.

An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to passengers as a cabin crew member

Other personnel, such as medical staff, security staff, child minders, escorts, technical staff, entertainers, interpreters who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as cabin crew member, unless they comply with the requirements of this subpart and any other applicable requirements of this regulation,

comment

2084

comment by: *AUSTRIAN Airlines***Relevant Text:**

(a) Cabin Crew members shall be assigned to duties on an aircraft only if they:

**Comment:**

'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:**

Amend the paragraph to read as '*Cabin Crew members shall be assigned to **safety** duties on an aircraft only if they*

comment

2085

comment by: *AUSTRIAN Airlines***Relevant Text:**

(a)(2)... in accordance with the medical requirements specified in Part-MED as applicable to the type of operations

**Comment:**

There is no safety justification and no legal basis to alter the medical fitness requirements of EU-OPS (see AUSTRIAN comments to Part-MED). The reference to Part-MED should therefore be deleted and replaced with a copy paste of the EU-OPS medical fitness requirements for cabin crew.

**Proposal:**

Realign with the EU-OPS medical fitness requirements for cabin crew

comment

2086

comment by: *AUSTRIAN Airlines***Relevant Text:**

(a) (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in Part-MED as applicable to the type of operations;

**Proposal:**

Refer to exact location in Part Med

comment 2087 comment by: *AUSTRIAN Airlines*

**relevant text:**

(a) (4) *have been checked as proficient to perform all assigned duties.*

**Comment:** *"Checked"* in this requirement does not have added value because the checks have already been performed by complying to requirement (a)(3).

**Proposed text:** Use the sentence from EUOPS 1.995 (f): Is competent to perform his/her duties in accordance with procedures specified in the Operations Manual.

comment 2384 comment by: *KLM*

**Relevant Text:**

(b ) The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers

**Comment:**

This definition is different from EU-OPS. In order to create legal certainty the definition should be realigned with EU-OPS Subpart O (OPS 1.988 and OPS 1.989)

**Proposal:**

Cabin Crew Member means any crew member, other than flight crew member, who performs, in the interests of safety of passengers, duties assigned to him/her by the operator or the commander in the cabin of the aeroplane.

An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to passengers as a cabin crew member

Other personnel, such as medical staff, security staff, child minders, escorts, technical staff, entertainers, interpreters who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as cabin crew member, unless they comply with the requirements of this subpart and any other applicable requirements of this regulation,

comment 2385 comment by: *KLM*

**Relevant Text:**

(a) Cabin Crew members shall be assigned to duties on an aircraft only if they:

**Comment:**

'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:**

Amend the paragraph to read as '*Cabin Crew members shall be assigned to **safety** duties on an aircraft only if they*

comment 2386 comment by: *KLM*

**Relevant Text:**

(a)(2)... in accordance with the medical requirements specified in Part-MED as applicable to the type of operations

**Comment:**

There is no safety justification and no legal basis to alter the medical fitness requirements of EU-OPS (see AEA comments to Part-MED). The reference to

Part-MED should therefore be deleted and replaced with a copy paste of the EU-OPS medical fitness requirements for cabin crew.

**Proposal:**

Realign with the EU-OPS medical fitness requirements for cabin crew

comment

2387

comment by: KLM

**Relevant Text:**

(a) (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in Part-MED as applicable to the type of operations;

**Proposal:**

Refer to exact location in Part Med

comment

2388

comment by: KLM

**Relevant text:**

(a) (4) *have been checked as proficient to perform all assigned duties.*

**Comment:** "**Checked**" in this requirement does not have added value because the checks have already been performed by complying to requirement (a)(3).

**Proposed text:** Use the sentence from EUOPS 1.995 (f): Is competent to perform his/her duties in accordance with procedures specified in the Operations Manual.

comment

2528

comment by: British Airways Flight Operations

**Relevant Text:**

(b ) The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers

**Comment:**

This definition is different from EU-OPS. In order to remove ambiguity the definition should be realigned with EU-OPS Subpart O (OPS 1.988 and OPS 1.989)

**Proposal:**

Cabin Crew Member means any crew member, other than flight crew member, who performs, in the interests of safety of passengers, duties assigned to him/her by the operator or the commander in the cabin of the aeroplane.

An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to passengers as a cabin crew member

Other personnel, such as medical staff, security staff, child minders, escorts, technical staff, entertainers, interpreters who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as cabin crew member, unless they comply with the requirements of this subpart and any other applicable requirements of this regulation.

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2531

comment by: British Airways Flight Operations

**Relevant Text:**

(a)(2)... in accordance with the medical requirements specified in Part-MED as

applicable to the type of operations

**Comment:**

There is no safety justification for, and no legal basis to, alter the medical fitness requirements for cabin crew as contained in EU-OPS (see BA comments to Part-MED). The reference to Part-MED should therefore be deleted and replaced with a copy and paste of the EU-OPS medical fitness requirements for cabin crew.

Work done by Lufthansa estimates that the probability of a cabin crew member being involved in an accident, and being rendered unfit by a condition which would have been detectable at a routine medical, and thereby being unable to assist in an evacuation is between 10E-12 and 10E-13. In other words negligible. There is therefore no requirement for routine cabin crew medical assessment.

**Proposal:**

Realign with the EU-OPS medical fitness requirements for cabin crew

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2560

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(b ) The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers

**Comment:**

This definition is different from EU-OPS. In order to create legal certainty the definition should be realigned with EU-OPS Subpart O (OPS 1.988 and OPS 1.989)

**Proposal:**

Cabin Crew Member means any crew member, other than flight crew member, who performs, in the interests of safety of passengers, duties assigned to him/her by the operator or the commander in the cabin of the aeroplane.

An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to passengers as a cabin crew member

Other personnel, such as medical staff, security staff, child minders, escorts, technical staff, entertainers, interpreters who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as cabin crew member, unless they comply with the requirements of this subpart and any other applicable requirements of this regulation,

comment

2561

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(a) Cabin Crew members shall be assigned to duties on an aircraft only if they:

**Comment:**

'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:**

Amend the paragraph to read as '*Cabin Crew members shall be assigned to **safety** duties on an aircraft only if they*

comment 2562 comment by: Deutsche Lufthansa AG

**Relevant Text:**

(a)(2)... in accordance with the medical requirements specified in Part-MED as applicable to the type of operations

**Comment:**

There is no safety justification and no legal basis to alter the medical fitness requirements of EU-OPS (see Lufthansa comments to Part-MED). The reference to Part-MED should therefore be deleted and replaced with a copy paste of the EU-OPS medical fitness requirements for cabin crew.

**Proposal:**

Realign with the EU-OPS medical fitness requirements for cabin crew

comment 2563 comment by: Deutsche Lufthansa AG

**Relevant Text:**

(a) (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in Part-MED as applicable to the type of operations;

**Proposal:**

Refer to exact location in Part Med

comment 2565 comment by: Deutsche Lufthansa AG

**Relevant text:**

(a) (4) *have been checked as proficient to perform all assigned duties.*

**Comment:** "**Checked**" in this requirement does not have added value because the checks have already been performed by complying to requirement (a)(3).

**Proposed text:** Use the sentence from EUOPS 1.995 (f): Is competent to perform his/her duties in accordance with procedures specified in the Operations Manual.

comment 2913 comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

(a) Cabin Crew members shall be assigned to duties on an aircraft only if they:

**Comment:**

'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:**

Amend the paragraph to read as '*Cabin Crew members shall be assigned to **safety** duties on an aircraft only if they*

comment 2914 comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

(a)(2)... in accordance with the medical requirements specified in Part-MED as

applicable to the type of operations

**Comment:**

There is no safety justification and no legal basis to alter the medical fitness requirements of EU-OPS (see AEA comments to Part-MED). The reference to Part-MED should therefore be deleted and replaced with a copy paste of the EU-OPS medical fitness requirements for cabin crew.

**Proposal:**

Realign with the EU-OPS medical fitness requirements for cabin crew

comment 2915 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(a) (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in Part-MED as applicable to the type of operations;

**Proposal:**

Refer to exact location in Part Med

comment 2916 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

(a) (4) *have been checked as proficient to perform all assigned duties.*

**Comment:** *"Checked"* in this requirement does not have added value because the checks have already been performed by complying to requirement (a)(3).

**Proposed text:** Use the sentence from EUOPS 1.995 (f): Is competent to perform his/her duties in accordance with procedures specified in the Operations Manual.

comment 3263 comment by: *cfdt france*

**OR.OPS 110 CC (Page 18)**

(b) "The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers"

**CFDT France COMMENT : Too vague -this should be more precise --wearing of the operator's uniforms / badges ? In the case of badges (used presently by Air France) Passengers can not identify qualified crew from the back or in smoke when the badge is hard to see....**

**OR OPS 210 CC Conditions for assignment to duties (Page 21)**

(b) (2) "Such a uniform is compatible with the safety functions of cabin crew and is clearly identifiable to passengers"

**CFDT COMMENT : What is compatible ? This needs to be clarified by CS Material. What is clearly identifiable to passengers? This needs to be defined clearly as too vague .**

comment 3264 comment by: *cfdt france*

**OR OPS 110 CC****Conditions for assignment of cabin crew to duties (Page 18)**

(a) Cabin crew members shall be assigned to duties on an aircraft only if they:

- (1) are at least 18 years of age;
- (2) have been assessed physically and mentally fit to perform all assigned duties and responsibilities safely in accordance with the medical requirements specified in PartMED as applicable to the type of operations;
- (3) have completed all training required by PartCC and this Chapter to perform the assigned duties; and
- (4) have been checked as proficient to perform all assigned duties.

(b) The cabin crew members and their functions with regard to flight and passenger safety shall be clearly identified to the passengers.

*Comment CFDT FRANCE : This is Not legally binding as too vague. The CFDT union asks for this to be clearly defined .*

**What is "clearly identifiable"?**

**At Present Air France & other French Operators use red badges to identify Cabin crew (as against other personnel working on board for commercial reasons).**

**These badges are not seen by passengers when seen from the back and cannot be seen when in smoke conditions.**

1837

C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 1 - OR.OPS.110.CC Conditions for assignment of cabin crew to duties  
18

**THE CFDT France and ETF demand**

Add: (a) (3) have completed all training required by PartCC and this Chapter to perform the assigned duties;

Add: **(4) holds a cabin crew attestation**, and ~~(4)~~ **(5)** have been checked as proficient to perform all assigned duties.

Reason: A cabin crew attestation will document that they have successfully completed their training and fulfil the ER 7.b. on cabin crew of Regulation 216/2008.

comment

3389

comment by: Konrad Polreich

OR.OPS.110.CC

This paragraph demands in fact almost the same training for cabin crews in the non-commercial ops as for the CAT. The only difference is the training for 'Single cabin crew operations' acc. OR.OPS.255.CC.

Which safety data justifies this extensive regulation of corporate aircraft, when comparing the number and kind of passengers to those on CAT aircraft. Especially when there is no CC required at all on the aircraft, due to MAPSC of (far) less than 19.

Suggestion:

OR.OPS.110.CC

(a) Cabin crew members shall be assigned to duties on an aircraft only if they:

- (1) (i) hold/have held a valid CCA, or

(ii) are at least 18 years old and have a valid medical as specified in Part-MED  
 (2) have completed all training required in this chapter, and Part CC if applicable  
 (3) have undertaken at least one flight on the particular aircraft type during the preceding 6 months  
 (4) have been clearly identified to the passengers about their functions with regard to flight and passenger safety.  
 (b) Cabin crew members in other than CAT-operations, assigned to aircraft with less than 19 MAPSC shall at least comply with:  
 (1) OR.OPS.110.CC (a)(1)(ii),  
 (2) OR.OPS.120.CC,  
 (3) OR.OPS.125.CC and  
 (4) OR.OPS.135.CC  
 The type introduction course acc. OR.OPS.125.CC (b)(3) shall be established by the operator in the Operations Manual or an approved training organisation. It shall be conducted by suitably qualified and experienced personnel.

comment 3544 comment by: *KLM Cityhopper*

**Comment:**

There is no safety justification and no legal basis to alter the medical fitness requirements of EU-OPS (see AEA comments to Part-MED). The reference to Part-MED should therefore be deleted and replaced with a copy paste of the EU-OPS medical fitness requirements for cabin crew.

**Proposal:**

Realign with the EU-OPS medical fitness requirements for cabin crew

comment 3604 comment by: *AIR FRANCE*

Comment:

'assignment to duties' should be limited to 'assignment to safety duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew

Proposal:

Amend the paragraph to read as 'Cabin Crew members shall be assigned to safety duties on an aircraft only if they'

comment 3711 comment by: *Icelandair*

**Relevant Text:**

(a)(2)... in accordance with the medical requirements specified in Part-MED as applicable to the type of operations

**Comment:**

There is no safety justification and no legal basis to alter the medical fitness requirements of EU-OPS (see AEA comments to Part-MED). The reference to Part-MED should therefore be deleted and replaced with a copy paste of the EU-OPS medical fitness requirements for cabin crew.

**Proposal:**

Realign with the EU-OPS medical fitness requirements for cabin crew

comment 3796 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

(2) is very similar, but not identical, to the corresponding requirements for technical crew member in OR.OPS.015.TC (a)(2) and (a)(3). Introduction of similar, but not identical, requirements will be confusing and difficult for the users, especially the examining physicians. This would lead to both an increased administrative burden and a risk for mistakes in the medical assessments with possible negative effects on flight safety. A better approach would be to use identical requirements and procedures for both categories.

**Proposal:**

The medical requirements for CC in OR.OPS.110.CC and those for technical crew member in OR.OPS.015.TC should be identical.

comment 3813 comment by: *IACA International Air Carrier Association*

(a)(2)

EU-OPS 1.995 wording is better.

Proposal: "has passed a medical examination or assessment at regular intervals so as to check the medical fitness to discharge his/her duties."

comment 3815 comment by: *IACA International Air Carrier Association*

(b)

Does this preclude crew operators from positioning cabin crew as passenger on own or other aircraft in uniform? Clarification is required.

Proposal:

The wording contained within OPS 1.989 is adopted.

Identification

(a) An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to the passengers as a cabin crew member.

comment 3963 comment by: *CUD*

(a)

(2) Supported

Reason: BR 216/2008 ANNEX III, 7.b. Cabin crew members must: (ii) be periodically assessed for medical fitness to safely exercise their assigned safety duties. Compliance must be shown by appropriate assessment based on aero-medical best practice.

comment 3964 comment by: *CUD*

Add: (5) hold a valid cabin crew attestation.

Reason: A cabin crew attestation will document that they have successfully completed their training and fulfil the ER 7.b. on cabin crew of Regulation 216/2008.

comment 802 comment by: ETF

Add: (a) A detailed programme **acceptable to the competent authority** shall be established by the operator for each training course in accordance with the applicable requirements of Part-CC and of this Section as applicable to cover the duties and responsibilities to be performed by the cabin crew members;

Reason: This is a requirement in Part CC and should be reflected here. Approval by the authority was also required in OPS 1.1005/1.1010/1.1015/1.1025.

Replace: (c) Training and checking of each cabin crew member shall be conducted for each training course by **authorised instructors** ~~personnel suitably qualified~~ and experienced for the subject to be covered; and

Comment: ETF call for qualifications standards for cabin crew instructors.

comment 1122 comment by: Austro Control GmbH

(c)

Clarification is suggested for "suitably qualified and experienced", by special AMC if this experience is e.g. years on the job or training as instructor or others.

(d)

Clarification concerning when and in what intervals proficiency is checked.

Proposed text:

*"Checking of the proficiency of each cabin crew member shall be conducted following each training for all training received, except for crew resource management training".*

comment 1267 comment by: UK CAA

**Page No:** 19

**Paragraph No:**

OR.OPS.115.CC - (d)

**Comment:**

New text that requires checking of proficiency of cabin crew for all training except for CRM.

**Justification:**

If the intent is to include checking of proficiency of senior cabin crew, then this should be clarified.

comment 1394 comment by: AEA

**Relevant text:** (d) *Checking of the proficiency.....shall be conducted for all training received, except CRM training.*

**Comment:** It is not necessary to check all training received. For example first aid or AED training is not checked on a fail or pass basis. It is just instructional and has no flight safety value.

**Proposal:** add the wording "Flight Safety":

*Checking of the proficiency.....shall be conducted for all **flight safety** related training received, except CRM training.*

- comment 1529 comment by: TAP Portugal
- Relevant text:** (d) *Checking of the proficiency.....shall be conducted for all training received, except CRM training.*
- Comment:** It is not necessary to check all training received. For example first aid or AED training is not checked on a fail or pass basis. It is just instructional and has no flight safety value.
- Proposal:** add the wording "Flight Safety":  
*Checking of the proficiency.....shall be conducted for all **flight safety** related training received, except CRM training.*
- 
- comment 1699 comment by: Thomas Cook Airlines
- Justification:  
 Clarification required on the definition of experience, does this mean that they have operated as Cabin Crew?
- Proposal:  
 Suggest removal of the word experienced
- 
- comment 1702 comment by: Thomas Cook Airlines
- Justification:  
 Clarification required as to the requirement for checking proficiency following SCCM training, this is an additional requirement to EU-Ops
- Proposal:  
 d) Checking of the proficiency of each cabin crew member shall be conducted for all training received, except for SCCM & crew resource management training.
- 
- comment 1907 comment by: FSC - CCOO
- Insert: (a) A detailed programme **acceptable to the competent authority** shall be established by the operator for each training course in accordance with the applicable requirements of Part-CC and of this Section as applicable to cover the duties and responsibilities to be performed by the cabin crew members;
- Reason: This is a requirement in Part CC and should be reflected here. Approval by the authority was also required in OPS 1.1005/1.1010/1.1015/1.1025.
- 
- comment 1908 comment by: FSC - CCOO
- Replace: (c)  
 Training and checking of each cabin crew member shall be conducted for each training course by **authorised instructors** ~~personnel suitably qualified and experienced~~ for the subject to be covered;  
 and
- Reason: The term '*suitably qualified and experienced*' does not provide legal certainty and therefore fails to achieve harmonization.

Comment: EASA should establish and publish standards for authorised cabin crew instructors.

comment

1977

comment by: *kapers Cabin Crew Union*

Add: (a) A detailed programme **acceptable to the competent authority** shall be established by the operator for each training course in accordance with the applicable requirements of Part-CC and of this Section as applicable to cover the duties and responsibilities to be performed by the cabin crew members;

Reason: This is a requirement in Part CC and should be reflected here. Approval by the authority was also required in OPS 1.1005/1.1010/1.1015/1.1025.

Replace: (c)

Training and checking of each cabin crew member shall be conducted for each training course by **authorised instructors** ~~personnel suitably qualified~~ and experienced for the subject to be covered; and

Comment: kapers calls for qualifications standards for cabin crew instructors.

comment

1988

comment by: *Elaine Allan Monarch*

Page No. 19

Ref No. NPA 2009 -02c OR OPS 115 CC

Summary of EASA Proposed Requirement:

c) Training and checking of each Cabin Crew member shall be conducted for each training course by personnel suitably qualified and **experienced** for the subject to be covered

Comment:

No detail on what experience

Justification:

Clarification required on the definition of experience.

Proposed Text (if applicable)

Suggest removal of the word **experienced**

comment

1989

comment by: *Elaine Allan Monarch*

Page No. 19

Ref No. NPA 2009 -02c OR OPS 115 CC

Summary of EASA Proposed Requirement:

d) **Checking** of the proficiency of each cabin crewmember shall be conducted for all training received, except for crew resource management training.

Comment:

Does this include SCCM training (OR Ops 260 CC) AMC ref checking is an exam required. Is a training flight adequate?

Justification:  
Clarification required as to the requirement for checking proficiency following SCCM training.

Proposed Text (if applicable)

d) **Checking** of the proficiency of each cabin crewmember shall be conducted for all training received, **except for SCCM &** crew resource management training.

comment

2088

comment by: *AUSTRIAN Airlines*

**Relevant text:** (d) *Checking of the proficiency.....shall be conducted for all training received, except CRM training.*

**Comment:** It is not necessary to check all training received. For example first aid or AED training is not checked on a fail or pass basis. It is just instructional and has no flight safety value.

**Proposal:** add the wording "Flight Safety":

*Checking of the proficiency.....shall be conducted for all **flight safety** related training received, except CRM training.*

comment

2367

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(c ) Training and checking of each cabin crew member shall be conducted for each training course by personnel suitably qualified and experienced for the subject to be covered.

**Comment:**

A definition of suitably qualified personnel and experienced is required. What are the criteria for qualified and experienced?

**Proposed Text:**

Training and checking of each cabin crewmember shall be conducted for each training course by personnel suitably qualified and experienced for the subject to be covered.

e.g. personnel who have been assessed and determined competent by the operator/ authority to impart knowledge, train practical skills and carry out checking in order to ensure a crew members proficiency.

comment

2376

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(d) Checking of the proficiency of each cabin crew member shall be conducted for all training received, except for crew resource management training.

**Comment:**

Does this include SCCM Training (OR.OPS.260.CC) AMC with checking? Does this require an exam or a check flight and who would be qualified to carry this out?

**Proposed Text:**

(d) Checking of the proficiency of each cabin crew member shall be conducted for all Initial, recurrent, aircraft type specific, refresher and senior crew member training with the exception of crew resource management training.

- comment 2389 comment by: KLM
- Relevant text:** (d) *Checking of the proficiency.....shall be conducted for all training received, except CRM training.*
- Comment:** It is not necessary to check all training received. For example first aid or AED training is not checked on a fail or pass basis. It is just instructional and has no flight safety value.
- Proposal:** add the wording "Flight Safety":  
*Checking of the proficiency.....shall be conducted for all **flight safety** related training received, except CRM training.*
- 
- comment 2465 comment by: Virgin Atlantic Airways
- Relevant Text:**  
 (d) Training and checking of each cabin crew member shall be conducted for each training course by personnel suitably qualified and experienced for the subject to be covered
- Comment:**  
 A definition of suitably qualified personnel and experienced is required. What are the criteria for qualified and experienced?
- Proposed Text:**  
 Training and checking of each cabin crewmember shall be conducted for each training course by personnel suitably qualified and experienced for the subject to be covered.  
 e.g. personnel who have been assessed and determined competent by the operator/ authority to impart knowledge, train practical skills and carry out checking in order to ensure a crew members proficiency.
- 
- comment 2566 comment by: Deutsche Lufthansa AG
- Relevant text:** (d) *Checking of the proficiency.....shall be conducted for all training received, except CRM training.*
- Comment:** It is not necessary to check all training received. For example first aid or AED training is not checked on a fail or pass basis. It is just instructional and has no flight safety value.
- Proposal:** add the wording "Flight Safety":  
*Checking of the proficiency.....shall be conducted for all **flight safety** related training received, except CRM training.*
- 
- comment 2856 comment by: Civil Aviation Authority of Norway
- Comment to (a);  
 The paragraph does not take into consideration that training may be provided by approved training organisations. If an operator uses approved training organisations for CC training, there should be no need for the operator to establish detailed training programmes, as these are already approved by the competent Authority.
- 
- comment 2917 comment by: Swiss International Airlines / Bruno Pfister

**Relevant text:** (d) *Checking of the proficiency.....shall be conducted for all training received, except CRM training.*

**Comment:** It is not necessary to check all training received. For example first aid or AED training is not checked on a fail or pass basis. It is just instructional and has no flight safety value.

**Proposal:** add the wording "Flight Safety":

*Checking of the proficiency.....shall be conducted for all **flight safety** related training received, except CRM training.*

comment

3394

comment by: Konrad Polreich

OR.OPS.115.CC (c)

The term 'suitably qualified and experienced' is not defined.

It would be very difficult for smaller operators, employing only 1 or 2 CC (maybe only part-time or freelance), to have both "type qualified Instructor/Examiner - CC", in order to provide the required type and differences, recurrent and refresher training/checking as well as "supervision" on familiarisation flights.

For some types (especially of smaller corporate jets), there may be no experienced personnel available.

Suggestion:

AMC1 OR.OPS.115.CC Insert No. 3

Suitably qualified and experienced personnel in this respect means personnel, approved by the competent authority to conduct this training. A TRI is considered suitably qualified and experienced to conduct the training according OR.OPS.125.CC (b) and (c) in aircraft with less than 19 MAPSC.

comment

3965

comment by: CUD

Insert:(a) A detailed programme **acceptable to the competent authority** shall be established by the operator for each training course in accordance with the applicable requirements of Part-CC and of this Section as applicable to cover the duties and responsibilities to be performed by the cabin crew members;

Reason: This is a requirement in Part CC and should be reflected here. Approval by the authority was also required in OPS 1.1005/1.1010/1.1015/1.1025.

comment

3966

comment by: CUD

Replace: (c) Training and checking of each cabin crew member shall be conducted for each training course by **authorised instructors** ~~personnel~~ ~~suitably qualified~~ and experienced for the subject to be covered; and

Reason: The term '*suitably qualified and experienced*' does not provide legal certainty and therefore fails to achieve harmonization.

Comment: EASA should establish and publish standards for authorised cabin crew instructors.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 1 -  
OR.OPS.120.CC Initial safety training**

p. 19

comment 612 comment by: *claire.amos*

Quality Issue: Without carrying out a complete audit of the training provided by all CC training providers, how can we be assured that previous training undertaken by trainees meets with the requirements of EASA? To have a central body approving all training providers would be the only way of ensuring previous training is compliant.

comment 857 comment by: *AEA*

**Relevant Text:**

The operator shall provide the cabin crew member with an initial safety training course

**Comment:**

There should be a possibility to use an approved training organization which does not need to be the operator. The role of the operator is to ensure that training is provided.

**Proposal:**

Amend the text to read as 'The operator shall ensure that the cabin crew member is provided with an initial safety training course ...'

comment 1530 comment by: *TAP Portugal*

**Relevant Text:**

The operator shall provide the cabin crew member with an initial safety training course

**Comment:**

There should be a possibility to use an approved training organization which does not need to be the operator. The role of the operator is to ensure that training is provided.

**Proposal:**

Amend the text to read as 'The operator shall ensure that the cabin crew member is provided with an initial safety training course ...'

comment 1700 comment by: *Thomas Cook Airlines*

**Justification:**

Prior to accepting an attestation would the operator be required to audit the training previously provided. If not this could have an impact on safety if the content of the course and standards of the attestation issuing organisation was not of a similar level to those of the operator.

**Proposal:**

The operator shall provide the Cabin crew member with an initial safety training course in accordance with the applicable requirements of Part -CC (remove the following text - unless the Cabin Crew member holds a Cabin Crew attestation issued in accordance with Part -CC)

comment 1720 comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS.120.CC Conditions for assignment to duties****(a)****Comment:**

This pre-supposes that a Cabin Crew Attestation of Part CC[Cabin Crew Licence] replaces **EU-OPS 1.1035 2.** " keep a copy of the attestation of safety training."

The requirement as laid down under Subpart CCA **CC.CCA.100 Cabin crew attestation** is vigorously rejected as an over bureaucratic requirement which does not serve to add any greater element of safety to that provided by the current EU-OPS 1.1035 noted above.

**Proposal:**

**Delete:** The requirement for a CC Attestation as under **CC.CCA.100 Cabin crew attestation** in it's entirety.

**(b) The operator shall also ensure that:**

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform;

**Comment** – Does this preclude crew from positioning as passenger on our or other aircraft in uniform? Clarification is required.

**Proposal:**

The wording contained within OPS 1.989 is adopted.

Identification

(a) An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to the passengers as a cabin crew member.

comment

1990

comment by: Elaine Allan Monarch

Page No.  
19

Ref No.  
NPA 2009 -02c OR OPS 120 CC

comment

2089

comment by: AUSTRIAN Airlines

**Relevant Text:**

The operator shall provide the cabin crew member with an initial safety training course

**Comment:**

There should be a possibility to use an approved training organization which does not need to be the operator. The role of the operator is to ensure that training is provided.

**Proposal:**

Amend the text to read as 'The operator shall ensure that the cabin crew member is provided with an initial safety training course ...'

comment

2196

comment by: Elaine Allan Monarch

Page No.

19

Ref No.  
NPA 2009 -02c OR OPS 120 CC

comment

2391

comment by: *KLM***Relevant Text:**

The operator shall provide the cabin crew member with an initial safety training course

**Comment:**

There should be a possibility to use an approved training organization which does not need to be the operator. The role of the operator is to ensure that training is provided.

**Proposal:**

Amend the text to read as 'The operator shall ensure that the cabin crew member is provided with an initial safety training course ...'

comment

2567

comment by: *Deutsche Lufthansa AG***Relevant Text:**

The operator shall provide the cabin crew member with an initial safety training course

**Comment:**

There should be a possibility to use an approved training organization which does not need to be the operator. The role of the operator is to ensure that training is provided.

**Proposal:**

Amend the text to read as 'The operator shall ensure that the cabin crew member is provided with an initial safety training course ...'

comment

2918

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

The operator shall provide the cabin crew member with an initial safety training course

**Comment:**

There should be a possibility to use an approved training organization which does not need to be the operator. The role of the operator is to ensure that training is provided.

**Proposal:**

Amend the text to read as 'The operator shall ensure that the cabin crew member is provided with an initial safety training course ...'

comment

3371

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)***Comment:**

Shall the operator provide a full initial safety training course for new entrant CC with previous experience or shall the operator only provide parts of the initial safety training that is not documented by the new entrant CC?

**Proposal (including new text):**

The operator shall provide the cabin crew member with an initial safety training

course in accordance with the **current** applicable requirements of Part CC unless the cabin crew member holds a cabin crew attestation issued in accordance with **current** Part CC.

comment 3610

comment by: AIR FRANCE

Comment:

There should be a possibility to use an approved training organization which does not need to be the operator. The role of the operator is to ensure that training is provided.

Proposal:

Amend the text to read as 'The operator shall ensure that the cabin crew member is provided with an initial safety training course ...'

comment 3816

comment by: IACA International Air Carrier Association

This pre-supposes that a Cabin Crew Attestation in accordance with Part-CC (i.e. licence) replaces EU-OPS 1.1035 2. "keep a copy of the attestation of safety training."

The requirement as laid down under Subpart CCA CC.CCA.100 Cabin crew attestation is vigorously rejected as an over bureaucratic requirement which does not serve to add any greater element of safety to that provided by the current EU-OPS 1.1035 noted above.

Proposal: Delete the requirement for a CC Attestation as under CC.CCA.100 Cabin crew attestation in it's entirety.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 1 -  
OR.OPS.125.CC Operator's aircraft type training and differences training**

p. 19

comment 613

comment by: claire.amos

Confirmation required: Will it be necessary to cover all elements listed here if they are identical to current SOPs? Under EU-OPs we are permitted to tailor differences training to our operation.

Potential cost impact as differences training will need to be carried out at LTN in order to be conducted in the sim.

What is the value of including CRM in differences training when it is covered annually in recurrent training? EU-OPs allows us to omit CRM training if Operator's CRM has already been completed.

comment 858

comment by: AEA

**Relevant Text:**

(a) A cabin crew member shall undergo appropriate aircraft type training in accordance with (c) before being

(1) First assigned by the operator to act as a cabin crew member or

(2) Assigned by the operator to operate on another aircraft type

**Comment:**

This should be limited to **safety** duties

**Proposal:**

Replace 'assigned ' with 'assigned to safety duties'

comment 1531

comment by: TAP Portugal

**Relevant Text:**

(a) A cabin crew member shall undergo appropriate aircraft type training in accordance with (c) before being

- (1) First assigned by the operator to act as a cabin crew member or
- (2) Assigned by the operator to operate on another aircraft type

**Comment:**

This should be limited to **safety** duties

**Proposal:**

Replace 'assigned ' with 'assigned to safety duties'

comment

2090

comment by: *AUSTRIAN Airlines***Relevant Text:**

(a) A cabin crew member shall undergo appropriate aircraft type training in accordance with (c) before being

- (1) First assigned by the operator to act as a cabin crew member or
- (2) Assigned by the operator to operate on another aircraft type

**Comment:**

This should be limited to **safety** duties

**Proposal:**

Replace 'assigned ' with 'assigned to safety duties'

comment

2392

comment by: *KLM***Relevant Text:**

(a) A cabin crew member shall undergo appropriate aircraft type training in accordance with (c) before being

- (1) First assigned by the operator to act as a cabin crew member or
- (2) Assigned by the operator to operate on another aircraft type

**Comment:**

This should be limited to **safety** duties

**Proposal:**

Replace 'assigned ' with 'assigned to safety duties'

comment

2492

comment by: *M Wilson-NetJets***Original text:**

(a) A cabin crew member shall undergo appropriate aircraft type training in accordance with (c) before being:

- (1) first assigned by the operator to act as a cabin crew member; or
- (2) assigned by that operator to operate on another aircraft type.

(b) In addition to (a), a cabin crew member shall undergo appropriate differences training in accordance with (c) as applicable before they are assigned:

- (1) on a variant of an aircraft type currently operated; or
- (2) on currently operated aircraft types or variants with different safety equipment, safety equipment location or normal and emergency safety procedures.

(c) The programme of the operator's aircraft type training, and differences training as relevant, shall:

- (1) involve training and practice on a representative training device or on the actual aircraft;
- (2) comprise training in the operator's standard operating procedures for cabin crew members to be first assigned to duties by the operator; and

(3) cover in addition to the aircraft typespecific training subjects specified in PartCC at least the following subjects as relevant to the aircraft type or variant to be operated:

- (i) description of the cabin configuration;
- (ii) location, removal and use of all portable safety equipment carried onboard the aircraft type or variant;
- (iii) the operator's normal and emergency procedures; (iv) passenger briefing, safety demonstrations and crowd control; (v) fire and smoke training using the operator's equipment; (vi) the operator's evacuation procedures; (vii) pilot incapacitation; and (viii) the operator's crew resource management training.

**Suggested new text:**

(a) A cabin crew member shall undergo appropriate aircraft type training in accordance with (c) before being:

- (1) first assigned by the operator to act as a cabin crew member; or
- (2) assigned by that operator to operate on another aircraft type.

(b) In addition to (a), a cabin crew member shall undergo appropriate differences training in accordance with (c) as applicable before they are assigned:

- (1) on a variant of an aircraft type currently operated; or
- (2) on currently operated aircraft types or variants with different safety equipment, safety equipment location or normal and emergency safety procedures.

(c) The programme of the operator's aircraft type training, and differences training as relevant, shall:

**(1) involve training and practice by means of the appropriate training tools and support representative of the complexity of the cabin and its associated emergency features;**

(2) comprise training in the operator's standard operating procedures for cabin crew members to be first assigned to duties by the operator; and

(3) cover in addition to the aircraft typespecific training subjects specified in PartCC at least the following subjects as relevant to the aircraft type or variant to be operated:

- (i) description of the cabin configuration;
- (ii) location, removal and use of all portable safety equipment carried onboard the aircraft type or variant;
- (iii) the operator's normal and emergency procedures;
- (iv) passenger briefing, safety demonstrations and crowd control;
- (v) fire and smoke training using the operator's equipment;
- (vi) the operator's evacuation procedures;
- (vii) pilot incapacitation; and
- (viii) the operator's crew resource management training.

**Comment/suggestion:**

The complexity of the cabin and associated equipment dictate the sophistication of the required training tools. Current or future operation of emergency exits or other features of the cabin that need to be operated by cabin crew may be designed so simple that they do not require training on the actual aeroplane or a representative training device. In these circumstances it might be sufficient to have a CBT or other form of training to actually provide an equivalent level of ability and associated safety. Therefore the dictated training device or level of sophistication of a training tool must be moved to the AMC so that manufacturers and operators have the maximum flexibility in designing effective training tool and be more cost effective to increase

competitiveness.

comment 2568 comment by: Deutsche Lufthansa AG

**Relevant Text:**

- (a) A cabin crew member shall undergo appropriate aircraft type training in accordance with (c) before being
- (1) First assigned by the operator to act as a cabin crew member or
  - (2) Assigned by the operator to operate on another aircraft type

**Comment:**

This should be limited to **safety** duties

**Proposal:**

Replace 'assigned ' with 'assigned to safety duties'

comment 2919 comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

- (a) A cabin crew member shall undergo appropriate aircraft type training in accordance with (c) before being
- (1) First assigned by the operator to act as a cabin crew member or
  - (2) Assigned by the operator to operate on another aircraft type

**Comment:**

This should be limited to **safety** duties

**Proposal:**

Replace 'assigned ' with 'assigned to safety

comment 3611 comment by: AIR FRANCE

Comment:

This should be limited to safety duties

Proposal:

Replace 'assigned ' with 'assigned to safety duties'

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 1 -  
OR.OPS.130.CC Familiarisation**

p. 19-20

comment 1378 comment by: Austro Control GmbH

Suggestion:

"After completion of a training course on an aircraft type or a variant, **each** cabin crew member shall..."

Justification:

if familiarisation is only required for unexperienced CC a lower safety standard is achieved among the crew.

comment 1395 comment by: AEA

**Relevant text:**

After completion of a training course on an aircraft type or a variant, a cabin crew member with no **previous comparable experience** shall complete appropriate familiarisation under supervision

**Comment:**

" previous comparable experience" is nowhere defined

**Proposal:**

Please define " previous comparable experience"

comment

1532

comment by: TAP Portugal

**Relevant text:**

After completion of a training course on an aircraft type or a variant, a cabin crew member with no **previous comparable experience** shall complete appropriate familiarisation under supervision

**Comment:**

" previous comparable experience" is nowhere defined

**Proposal:**

Please define " previous comparable experience"

comment

1909

comment by: FSC - CCOO

**Comment:**

The term *appropriate* does not provide legal certainty; AMC or GM should provide guidance on what is appropriate.

comment

1910

comment by: FSC - CCOO

**Insert:**

After completion of a training course on an aircraft type or a variant, a cabin crew member with no previous comparable experience shall complete **appropriate** familiarisation under **supervision by an authorised cabin crew instructor** before being assigned as one of the minimum number of cabin crew required for the aircraft type or variant.

**Reason:**

According to **CC.TRA.115 Conduct of training courses, examination and checking**

The training courses and the associated examination or checking specified in this Part shall:

(c) be performed by personnel suitably qualified and experienced.

Authorised cabin crew instructors would be suitably qualified and experienced; Familiarisation is to be considered as a part of the instruction process and should be supervised by qualified instructors.

**AMC OR.OPS.130.CC Familiarisation** establishes in

3.2 Familiarisation flights should:

a. be conducted under the supervision of the senior cabin crew member;

Senior cabin crew members should not be considered as suitably qualified to conduct checking or training. **OR.OPS.260.CC Senior cabin crew member**

(b) describing the senior cabin crew member training course does not include any training on how to conduct familiarisation. Therefore familiarisation should be reserved to suitably qualified cabin crew instructors.

comment

2091

comment by: AUSTRIAN Airlines

**Relevant text:**

After completion of a training course on an aircraft type or a variant, a cabin

crew member with no **previous comparable experience** shall complete appropriate familiarisation under supervision

**Comment:**

"previous comparable experience" is nowhere defined

**Proposal:**

Please define "previous comparable experience"

comment

2393

comment by: KLM

**Relevant text:**

After completion of a training course on an aircraft type or a variant, a cabin crew member with no **previous comparable experience** shall complete appropriate familiarisation under supervision

**Comment:**

"previous comparable experience" is nowhere defined

**Proposal:**

Please define "previous comparable experience"

comment

2569

comment by: Deutsche Lufthansa AG

**Relevant text:**

After completion of a training course on an aircraft type or a variant, a cabin crew member with no **previous comparable experience** shall complete appropriate familiarisation under supervision

**Comment:**

"previous comparable experience" is nowhere defined

**Proposal:**

Please define "previous comparable experience"

comment

2921

comment by: Swiss International Airlines / Bruno Pfister

**Relevant text:**

After completion of a training course on an aircraft type or a variant, a cabin crew member with no **previous comparable experience** shall complete appropriate familiarisation under supervision

**Comment:**

"previous comparable experience" is nowhere defined

**Proposal:**

Please define "previous comparable experience"

comment

3967

comment by: CUD

**Comment:**

The term *appropriate* does not provide legal certainty; AMC or GM should provide guidance on what is appropriate.

comment

3968

comment by: CUD

**Insert:**

After completion of a training course on an aircraft type or a variant, a cabin crew member with no previous comparable experience shall complete **appropriate** familiarisation under **supervision by an authorised cabin crew instructor** before being assigned as one of the minimum number of cabin crew required for the aircraft type or variant.

Reason:

According to **CC.TRA.115 Conduct of training courses, examination and checking**

The training courses and the associated examination or checking specified in this Part shall:

(c) be performed by personnel suitably qualified and experienced.

Authorised cabin crew instructors would be suitably qualified and experienced; Familiarisation is to be considered as a part of the instruction process and should be supervised by qualified instructors.

**AMC OR.OPS.130.CC Familiarisation** establishes in

3.2 Familiarisation flights should:

a. be conducted under the supervision of the senior cabin crew member;

Senior cabin crew members should not be considered as suitably qualified to conduct checking or training. **OR.OPS.260.CC Senior cabin crew member** (b) describing the senior cabin crew member training course does not include any training on how to conduct familiarisation. Therefore familiarisation should be reserved to suitably qualified cabin crew instructors.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 1 -  
OR.OPS.135.CC Operator's recurrent training**

p. 20

comment 428

comment by: CAA-NL

Comment regarding:  
(8) aeromedical aspects and first aid; and (.../...)

Comment CAA-NL:  
CAA-NL advises to divide the first-aid training yearly and in 3 yearly items.

comment 429

comment by: CAA-NL

*Comment I regarding:*  
(9) security procedures.

Comment CAA-NL:  
The topic 'Security Procedures should be changed in 'operator security procedure training'

*Comment II regarding:*  
(i) actually fighting a fire using the operator's equipment; and (.../...)

Comment CAA-NL:  
The use of operators equipment in practical fire fighting training is not reasonable

*Comment III regarding:*  
(ii) undergoing pilot incapacitation training if applicable;

Comment CAA-NL:  
Pilot incap training shall always be covered in the 3 yearly training.

comment

549

comment by: *Royal Aeronautical Society*

**Commentor:** Royal Aeronautical Society Human Factors Cabin Crew Standing Group

**Page No:** 20

**Paragraph No:** OR.OPS.135.CC (c) (1) (ii) - Recurrent

**Comment:** Text requires practical pilot incapacitation but does not include practical door operation in order to access the flight deck.

**Justification:** Recent accidents such as Helios have shown possible lack of familiarity with operation of the flight deck security door particularly in emergency situations. Current training could be achieved theoretically and could result in a cabin crew member being unfamiliar with the door operation. There is also no requirement for training in the use of this door during Recurrent training.

**Proposed Text (if applicable):** Add onto text - '*undergoing pilot incapacitation training if applicable and practical operation of the flight deck security door in both normal and emergency modes*'.

**Author's Response:**

comment

860

comment by: *AEA*

**Relevant Text:**

Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of Part-CC and covering in addition at least the following subjects for each aircraft type or variant to be operated:

(b)(8) Aeromedical Aspects and First Aid

**Comment:**

Based on experience, the added value of a mandatory yearly cycle for aeromedical and first aid training can be questioned. We suggest to change it to an interval not exceeding 3 years

**Proposal:**

Aero-medical aspects and first aid to be trained to an interval not exceeding three years

comment

1042

comment by: *AEA*

**Relevant Text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

Align this provision with the same principle used for flight crew recurrent training

**Proposal:**

All the validity periods mentioned shall be counted from the end of the month when the training or check was taken.

When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the

originalexpiry date.

comment

1043

comment by: AEA

**Relevant Text:**

(3) information to the flight crew in case of surface contamination;

**Comment:**

Be more specific about airplane contamination.

**Proposal:**

(3) information to the flight crew in case of **airplane** surface contamination;

comment

1044

comment by: AEA

**Relevant Text:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and

(4) demonstration of the operation of all other exits including flight deck windows.

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

1. each cabin crew member operating and actually opening each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;

2. demonstration of the operation of all other exits including flight deck windows;

**Proposal:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and

(4) **be informed about** the operation of all other exits including flight deck windows.

comment

1048

comment by: AEA

**Relevant Text:**

(b)Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

In Appendix 1 EU-OPS 1.1015 (b) the phrase "practical training" was used but is more restrictive.

**Proposal:**

Keep NPA text "(b)", this gives opportunities for other training method (e.g. e-learning).

comment

1268

comment by: UK CAA

**Page No:** 20

**Paragraph No:**

OR.OPS.135.CC - (c)

**Comment:**

Text says three yearly requirements should take place at intervals not exceeding three years.

**Justification:**

As a number of operators combine this training with annual recurrent, it would be more logical to have the same alleviations, including the month of issue.

**Proposed Text (if applicable):**

(c) ...cabin crew shall also be trained on the following every three years. The period of validity and associated checking should be 36 months in addition to the remainder of the month of completion.

comment

1269

comment by: UK CAA

**Page No:** 20**Paragraph No:**

OR.OPS.135.CC - (c) (1) (i)

**Comment:**

Refers to cabin crew fire fighting but not smoke training.

**Justification:**

Rule should include smoke training for three yearly as per requirement for Operator Aircraft type.

**Proposed Text (if applicable):**

actually fighting a fire using the operator's equipment and the donning and use of protective breathing equipment in an enclosed smoke filled environment.

comment

1379

comment by: Austro Control GmbH

(b):

the content of this requirement is not as detailed as it was in EU-OPS:  
e.g. touch-drills is missing

For safety reasons it is recommended to add the (now) missing items (EU-OPS).

(c):

It is recommended to add the detailed Text of Appendix 1 to OPS 1.1015(c)(1).

comment

1396

comment by: AEA

**Relevant text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training

complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

(1) location and handling of all **safety and** emergency equipment carried onboard;

**Comment:**

In App 1 to EUOPS 1.1015 (b)(4) only emergency equipment is mentioned. In OR.OPS.135.CC (b)(1) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment 1466 comment by: *ETF*

Comment to (c) (1) (ii)  
The pilot incapacitation training if applicable should be explained. In OPS the guideline is "unless where flight crew is more than 2 pilots".

comment 1533 comment by: *TAP Portugal*

**Relevant Text:**  
Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of Part-CC and covering in addition at least the following subjects for each aircraft type or variant to be operated:  
(b)(8) Aeromedical Aspects and First Aid

**Comment:**  
Based on experience, the added value of a mandatory yearly cycle for aeromedical and first aid training can be questioned. We suggest to change it to a interval not exceeding 3 years

**Proposal:**  
Aero-medical aspects and first aid to be trained to an interval not exceeding three years

comment 1534 comment by: *TAP Portugal*

**Relevant Text:**  
(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**  
Align this provision with the same principle used for flight crew recurrent training

**Proposal:**  
All the validity periods mentioned shall be counted from the end of the month when the training or check was taken.  
When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

comment 1535 comment by: *TAP Portugal*

**Relevant Text:**  
(3) information to the flight crew in case of surface contamination;

**Comment:**  
Be more specific about airplane contamination.

**Proposal:**  
(3) information to the flight crew in case of **airplane** surface contamination;

comment 1536 comment by: *TAP Portugal*

**Relevant Text:**  
(3) demonstration of the use of the liferaft, or slideraft, where fitted; and  
(4) demonstration of the operation of all other exits including flight deck windows.

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

1. each cabin crew member operating and actually opening each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;
2. demonstration of the operation of all other exits including flight deck windows;

**Proposal:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and

(4) **be informed about** the operation of all other exits including flight deck windows.

comment 1537

comment by: TAP Portugal

**Relevant Text:**

(b)Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

In Appendix 1 EU-OPS 1.1015 (b) the phrase "practical training" was used but is more restrictive.

**Proposal:**

Keep NPA text "(b)", this gives opportunities for other training method (e.g. e-learning).

comment 1538

comment by: TAP Portugal

**Relevant text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training

complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

(1) location and handling of all **safety an d** emergency equipment carried onboard;

**Comment:**

In App 1 to EUOPS 1.1015 (b)(4) only emergency equipment is mentioned. In OR.OPS.135.CC (b)(1) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment 1703

comment by: Thomas Cook Airlines

**Justification:**

This appears to be more restrictive than EU-Ops and commercially impractical however the AMC gives additional information than the rule material.

**Proposal:**

Include the following in the rule material rather than the AMC : The period of validity of recurrent training and the associated checking required by OR OPS 135 CC shall be 12 calendar months in addition to the remainder of the month of issue. If issued within the final 3 months of validity of a previous check the

period of validity shall extend from the date of issue until 12 calendar months from the expiry of that previous check

comment 1704 comment by: *Thomas Cook Airlines*

c)

Justification:

Appears to be inconsistent with the requirements.

Proposal

Include the following (ii) the donning and use of protective breathing equipment by each Cabin Crew member in an enclosed, simulated smoke-filled environment (iii) undergoing pilot incapacitation if applicable

comment 1705 comment by: *Thomas Cook Airlines*

Justification:

Appears to be inconsistent with the requirements

Proposal:

Include the following

(c) (5) and the donning by each Cabin Crew member of lifejackets, portable oxygen and PBE

comment 1721 comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS.135.CC Operator's recurrent training (b)**

**Addition:**

Every 12 calendar months [in addition to the remainder of the month of issue]  
.....

comment 1838 comment by: *Jill Pelan*

**CFDT France** :Comment to (c) (1) (ii)

The pilot incapacitation training if applicable should be explained. In OPS the guideline is "unless where flight crew is more than 2 pilots".

comment 1978 comment by: *kapers Cabin Crew Union*

Comment to (c) (1) (ii)

The pilot incapacitation training if applicable should be explained. In OPS the guideline is "unless where flight crew is more than 2 pilots".

comment 1991 comment by: *Elaine Allan Monarch*

Ref No. NPA 2009 -2c OR OPS 135 CC

Summary of EASA Proposed Requirement:

c) In addition to the training subjects in (b), cabin crew members shall also be training on the following within intervals not exceeding 3 years

## Comment:

No reference is made regarding being able to complete training within the preceding 2 months extending expiry of the original date.

## Justification:

This is more restrictive than EU-Ops and will be impractical however the AMC offers additional information than the rule material.

## Proposed Text (if applicable)

Include the following in the rule material rather than the AMC: **The period of validity of recurrent training and the associated checking required by OR OPS 135 CC s hall be 12 calendar months in addition to the remainder of the month of issue. If issued within the final 3 months of validity of a previous check the period of validity shall extend from the date of issue until 12 calendar months from the expiry of that previous check**

comment

1992

comment by: Elaine Allan Monarch

Page No.

20

Ref No.

NPA 2009 -2c OR OPS 135 CC

Summary of EASA Proposed Requirement:

c) (1) (i) actually fighting a fire using the operators equipment

Comment:

There is no reference to the use of PBE in smoke filled environment.

Justification:

This seems to be inconsistent with the requirements.

Proposed Text (if applicable)

Include the following **(ii) the donning and use of protective breathing equipment by each Cabin Crewmember in an enclosed, simulated smoke-filled environment** (iii) undergoing pilot incapacitation if applicable

comment

1993

comment by: Elaine Allan Monarch

Page No.

20

Ref No.

NPA 2009 -2c OR OPS 135 CC

Summary of EASA Proposed Requirement:

(1) No reference to fitting of Lifejacket, Smokehood or portable oxygen during annual recurrent training in rule but covered in AMC

Comment:

Justification:

Appears inconsistent with the requirements

Proposed Text (if applicable)

Include the following - **(c) (5) and the donning by each Cabin Crewmember of lifejackets, portable oxygen and PBE**

comment

2092

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of Part-CC and covering in addition at least the following subjects for each aircraft type or variant to be operated:

(b)(8) Aeromedical Aspects and First Aid

**Comment:**

Based on experience, the added value of a mandatory yearly cycle for aeromedical and first aid training can be questioned. We suggest to change it to an interval not exceeding 3 years

**Proposal:**

Aero-medical aspects and first aid to be trained to an interval not exceeding three years

comment

2093

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

Align this provision with the same principle used for flight crew recurrent training

**Proposal:**

All the validity periods mentioned shall be counted from the end of the month when the training or check was taken.

When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

comment

2094

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(3) information to the flight crew in case of surface contamination;

**Comment:**

Be more specific about airplane contamination.

**Proposal:**

(3) information to the flight crew in case of **airplane** surface contamination;

comment

2095

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and

(4) demonstration of the operation of all other exits including flight deck windows.

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

1. each cabin crew member operating and actually opening each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;
2. demonstration of the operation of all other exits including flight deck windows;

**Proposal:**

- (3) demonstration of the use of the liferaft, or slideraft, where fitted; and
- (4) **be informed about** the operation of all other exits including flight deck windows.

comment 2096

comment by: *AUSTRIAN Airlines***Relevant Text:**

(b)Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

In Appendix 1 EU-OPS 1.1015 (b) the phrase "practical training" was used but is more restrictive.

**Proposal:**

Keep NPA text "(b)", this gives opportunities for other training method (e.g. e-learning).

comment 2097

comment by: *AUSTRIAN Airlines***Relevant text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:  
 (1) location and handling of all **safety an d** emergency equipment carried onboard;

**Comment:**

In App 1 to EUOPS 1.1015 (b)(4) only emergency equipment is mentioned. In OR.OPS.135.CC (b)(1) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment 2380

comment by: *Virgin Atlantic Airways***Relevant Text:**

c) In addition to the training subjects in (b) cabin crew members shall also be training on the following within intervals of not exceeding 3 years:

**Comment:**

There is no reference to completion within preceding 3 months extending expiry to original date as there is currently.

**Proposed Text:**

b) 10) The period of validity of recurrent training and the associated checking required by OR OPS 135 CC shall be 12 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous check.

c) 5) The period of validity of recurrent training and the associated checking required by OR OPS 135 CC shall be 36 calendar months in addition to the remainder of the month of issue. If issued within the final three calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 36 calendar months from the expiry date of that previous check.

comment

2394

comment by: KLM

**Relevant Text:**

Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of Part-CC and covering in addition at least the following subjects for each aircraft type or variant to be operated:

(b)(8) Aeromedical Aspects and First Aid

**Comment:**

Based on experience, the added value of a mandatory yearly cycle for aeromedical and first aid training can be questioned. We suggest to change it to a interval not exceeding 3 years

**Proposal:**

Aero-medical aspects and first aid to be trained to an interval not exceeding three years

comment

2395

comment by: KLM

**Relevant Text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

Align this provision with the same principle used for flight crew recurrent training

**Proposal:**

All the validity periods mentioned shall be counted from the end of the month when the training or check was taken.

When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

comment

2396

comment by: KLM

**Relevant Text:**

(3) information to the flight crew in case of surface contamination;

**Comment:**

Be more specific about airplane contamination.

**Proposal:**

(3) information to the flight crew in case of **airplane** surface contamination;

comment

2397

comment by: KLM

**Relevant Text:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and  
(4) demonstration of the operation of all other exits including flight deck windows.

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

1. each cabin crew member operating and actually opening each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;  
2. demonstration of the operation of all other exits including flight deck windows;

**Proposal:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and  
(4) **be informed about** the operation of all other exits including flight deck windows.

comment

2398

comment by: KLM

**Relevant Text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

In Appendix 1 EU-OPS 1.1015 (b) the phrase "practical training" was used but is more restrictive.

**Proposal:**

Keep NPA text "(b)", this gives opportunities for other training method (e.g. e-learning).

comment

2399

comment by: KLM

**Relevant text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

(1) location and handling of all **safety an d** emergency equipment carried onboard;

**Comment:**

In App 1 to EUOPS 1.1015 (b)(4) only emergency equipment is mentioned. In OR.OPS.135.CC (b)(1) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment

2400

comment by: Virgin Atlantic Airways

**Relevant Text:**

- c) 1 each cabin crew member
  - (i) actually fighting a fire using the operator's equipment

**Comment:**

There is no reference to the use of protective breathing equipment by each cabin crew member in an enclosed simulated smoke filled environment.

**Proposed Text:**

This training must include;

- (i) Each cabin crew member extinguishing a fire characteristic of an aircraft interior fire using the operators equipment.
- (ii) The donning and use of protective breathing equipment by each cabin crew member in an enclosed simulated smoke-filled environment.

comment 2403

comment by: *Virgin Atlantic Airways***Relevant Text:**

b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of part CC and covering in addition at least the following training subjects for each aircraft type or variant to be operated.

- 1) Location and handling of all safety and emergency equipment carried on board.

**Comment:**

There is no reference to the fitting of a Life jacket, oxygen mask and smokehood during annual recurrent.

**Proposed Text:**

1) The location and handling of all safety and emergency equipment carried on board, including oxygen systems and the donning by each cabin crewmember of lifejackets, portable equipment and protective breathing equipment.

comment 2570

comment by: *Deutsche Lufthansa AG***Relevant Text:**

Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of Part-CC and covering in addition at least the following subjects for each aircraft type or variant to be operated:

- (b)(8) Aeromedical Aspects and First Aid

**Comment:**

Based on experience, the added value of a mandatory yearly cycle for aero-medical and first aid training can be questioned. We suggest to change it to a interval not exceeding 3 years

**Proposal:**

Aero-medical aspects and first aid to be trained to an interval not exceeding three years

comment 2571

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of Part CC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

Align this provision with the same principle used for flight crew recurrent training

**Proposal:**

All the validity periods mentioned shall be counted from the end of the month when the training or check was taken.

When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

comment

2572

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(3) information to the flight crew in case of surface contamination;

**Comment:**

Be more specific about airplane contamination.

**Proposal:**

(3) information to the flight crew in case of **airplane** surface contamination;

comment

2573

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and

(4) demonstration of the operation of all other exits including flight deck windows.

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

1. each cabin crew member operating and actually opening each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;

2. demonstration of the operation of all other exits including flight deck windows;

**Proposal:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and

(4) **be informed about** the operation of all other exits including flight deck windows.

comment

2574

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(b)Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

In Appendix 1 EU-OPS 1.1015 (b) the phrase "practical training" was used but is more restrictive.

**Proposal:**

Keep NPA text "(b)", this gives opportunities for other training method (e.g. e-learning).

comment

2576

comment by: *Deutsche Lufthansa AG***Relevant text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:  
 (1) location and handling of all **safety an d** emergency equipment carried onboard;

**Comment:**

In App 1 to EUOPS 1.1015 (b)(4) only emergency equipment is mentioned. In OR.OPS.135.CC (b)(1) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment

2922

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of Part-CC and covering in addition at least the following subjects for each aircraft type or variant to be operated:

(b)(8) Aeromedical Aspects and First Aid

**Comment:**

Based on experience, the added value of a mandatory yearly cycle for aero-medical and first aid training can be questioned. We suggest to change it to a interval not exceeding 3 years

**Proposal:**

Aero-medical aspects and first aid to be trained to an interval not exceeding three years

comment

2923

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

Align this provision with the same principle used for flight crew recurrent training

**Proposal:**

All the validity periods mentioned shall be counted from the end of the month when the training or check was taken.

When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the originalexpiry date.

comment

2924

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(3) information to the flight crew in case of surface contamination;

**Comment:**

Be more specific about airplane contamination.

**Proposal:**

(3) information to the flight crew in case of **airplane** surface contamination;

comment

2926

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and

(4) demonstration of the operation of all other exits including flight deck windows.

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

1. each cabin crew member operating and actually opening each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;

2. demonstration of the operation of all other exits including flight deck windows;

**Proposal:**

(3) demonstration of the use of the liferaft, or slideraft, where fitted; and

(4) **be informed about** the operation of all other exits including flight deck windows.

comment

2927

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

**Comment:**

In Appendix 1 EU-OPS 1.1015 (b) the phrase "practical training" was used but is more restrictive.

**Proposal:**

Keep NPA text "(b)", this gives opportunities for other training method (e.g. e-learning).

comment

2929

comment by: *Swiss International Airlines / Bruno Pfister***Relevant text:**

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

(1) location and handling of all **safety an d** emergency equipment carried onboard;

**Comment:**

In App 1 to EUOPS 1.1015 (b)(4) only emergency equipment is mentioned. In OR.OPS.135.CC (b)(1) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment 3148 comment by: DGAC

In EU OPS, Appendix 3 to OPS 1.1005/1.1010/1.1015 details the items that shall be included in the "Medical aspects and first aid training". The list of items of appendix 3 has not been located in Part OR nor in Part CC.

Nevertheless, the number of items listed in appendix 3 to OPS 1.1005/1.1010/1.1015 is deemed to be too long for a yearly recurrent training. While some practical exercises and items should be kept on a yearly revision, some others items less critical should be revised on a 3 year basis.

The item "(8) aeromedical aspects and first aid" should be completed by a provision in (c) and AMC or guidance material should be developed to distribute Med & FA items in the yearly or 3 year recurrent training.

comment 3265 comment by: cfdt france

**CFDT France** :Comment to (c) (1) (ii)

The pilot incapacitation training if applicable should be explained. In OPS the guideline is "unless where flight crew is more than 2 pilots".

comment 3612 comment by: AIR FRANCE

Comment:

Based on experience, the added value of a mandatory yearly cycle for all aero-medical and first aid training can be questioned. We suggest to change it to a interval not exceeding 3 years

Proposal:

All aero-medical aspects and first aid to be trained to an interval not exceeding three years

comment 3613 comment by: AIR FRANCE

Comment:

Align this provision with the same principle used for flight crew recurrent training

Proposal:

All the validity periods mentioned shall be counted from the end of the month when the training or check was taken.

When the training or checks required above are undertaken within the last 3 months of the validity period, the new validity period shall be counted from the original expiry date.

comment 3614 comment by: AIR FRANCE

Relevant text:

(b) Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of PartCC and covering in addition at least the following training subjects for each aircraft type or variant to be operated:

(1) location and handling of all safety and emergency equipment carried onboard;

Comment:

In App 1 to EUOPS 1.1015 (b)(4) only emergency equipment is mentioned. In

OR.OPS.135.CC (b)(1) also safety equipment is mentioned.

Proposal:

Please explain difference between Safety equipment and emergency equipment.  
Stick to EU OPS wording : "(1) location and handling of DELETE "all" safety and emergency equipment carried onboard;"

comment 3712

comment by: *Icelandair*

**Relevant Text:**

Every 12 calendar months cabin crew members shall undergo recurrent training complying with the applicable requirements of Part-CC and covering in addition at least the following subjects for each aircraft type or variant to be operated:

(b)(8) Aeromedical Aspects and First Aid

**Comment:**

Based on experience, the added value of a mandatory yearly cycle for aero-medical and first aid training can be questioned. We suggest to change it to a interval not exceeding 3 years

**Proposal:**

Aero-medical aspects and first aid to be trained to an interval not exceeding three years

comment 3818

comment by: *IACA International Air Carrier Association*

(b)

Add: Every 12 calendar months in addition to the remainder of the month of issue...

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 1 -  
OR.OPS.140.CC Operator's refresher training**

p. 20

comment 430

comment by: *CAA-NL*

*Comment I regarding:*

(1) emergency procedures;

Comment CAA-NL:

Pilot incapacitation is missing

*Comment II regarding:*

(2) evacuation procedures;

Comment CAA-NL:

Crowd control training shall be added to the requirement

comment 863

comment by: *AEA*

**Relevant Text:**

(b) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either:

- (1) the applicable refresher training in accordance with (c); or  
 (2) 2 refresher sectors on the aircraft type under appropriate supervision.

**Comment:**

It is not clear what appropriate supervision means.

This is a new requirement which goes beyond Subpart O of EU-OPS (OPS 1.1020). It has no safety justification.

**Proposal:**

Delete 'under appropriate supervision' and realign with EU-OPS

comment 955

comment by: AEA

**Relevant Text:**

(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either

(1) ..... or

**(2) 2 re fresher s ectors on the airc raft type under appropriate supervision**

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment 1045

comment by: AEA

**Relevant Text:**

(c) (4) demonstration of the operation of all other exits; and

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

3. the operation and actual opening of each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;

4. demonstration of the operation of all other exits including flight deck windows; and

**Proposal:**

4) be informed about the operation of all other exits; and

comment 1270

comment by: UK CAA

**Page No:** 20

**Paragraph No:** OR.OPS.140.CC - (c) (5)

**Comment:** Text no longer includes donning of lifejackets, oxygen and PBE.

**Justification:** This was previously required by EU-OPS and there is no justification for reducing the content of training.

**Proposed Text (if applicable):** (5) location and handling of all safety and emergency equipment carried including oxygen systems and the donning of lifejackets, portable oxygen and protective breathing equipment.

comment

1271

comment by: UK CAA

**Page No:** 20

**Paragraph No:** OR.OPS.140.CC

**Comment:** Previous text in EU-OPS (IEM OPS 1.1020) permitted an operator to substitute Recurrent training for Refresher training if still valid. This has been removed.

**Justification:** Requirements of Refresher are much more onerous than Recurrent and will incur considerable cost to operators without any justification of safety benefit.

**Proposed Text (if applicable):** New section (d) – An operator may substitute recurrent training for refresher training if the re-instatement of the cabin crew member's flying duties commences within the period of validity of the last recurrent training and checking. If the period of validity of the last recurrent training and checking has expired, aircraft specific type and operator aircraft type training is required.

comment

1309

comment by: Catherine Nussbaumer

b) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

c): Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

d) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check

valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

e) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

f) : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1380

comment by: *Austro Control GmbH*

For the whole paragraph:

according to this text it would be allowed to do the training on any aircraft type, which seems not to fit with safety standards.  
therefore it is suggested to keep the EU-OPS term "*refresher training on type*"

(c):

Keep the EU-OPS version of App. 1 to OPS1.1020.

Justification:

the new version is less precise, possibly important issues would then not be covered and touch safety concerns.

comment 1397

comment by: *AEA*

**Relevant text:**

(c) *The refresher training programme for each aircraft type shall cover as a minimum:*

(1)...

(5) *location and handling of all **safety and** emergency equipment carried.*

**Comment:**

In App 1 to EUOPS 1.1020 (5) only emergency equipment is mentioned. In OR.OPS.140.CC (c)(5) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment 1575

comment by: *TAP Portugal*

**Relevant Text:**

(b) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either:

- (1) the applicable refresher training in accordance with (c); or  
 (2) 2 refresher sectors on the aircraft type under appropriate supervision.

**Comment:**

It is not clear what appropriate supervision means.

This is a new requirement which goes beyond Subpart O of EU-OPS (OPS 1.1020). It has no safety justification.

**Proposal:**

Delete 'under appropriate supervision' and realign with EU-OPS

comment 1577

comment by: TAP Portugal

**Relevant Text:**

(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either

(1) ..... or

**(2) 2 refresher sectors on the aircraft type under appropriate supervision**

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment 1578

comment by: TAP Portugal

**Relevant Text:**

(c) (4) demonstration of the operation of all other exits; and

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

3. the operation and actual opening of each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;

4. demonstration of the operation of all other exits including flight deck windows; and

**Proposal:**

4) be informed about the operation of all other exits; and

comment 1579

comment by: TAP Portugal

**Relevant text:**

*(c) The refresher training programme for each aircraft type shall cover as a minimum:*

*(1)...*

*(5) location and handling of all **safety and** emergency equipment carried.*

**Comment:**

In App 1 to EUOPS 1.1020 (5) only emergency equipment is mentioned. In OR.OPS.140.CC (c)(5) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment 1706 comment by: *Thomas Cook Airlines*

Justification:

Appears to be inconsistent with the current requirements:

Proposal:

Include the following

(c) (6) and the donning by each Cabin Crew member of lifejackets, portable oxygen and PBE

comment 1707 comment by: *Thomas Cook Airlines*

Justification:

Option to substitute refresher for recurrent training removed, this adds additional training requirement for no benefit.

Proposal:

Include: An operator may substitute recurrent training for refresher if the re-instatement of the cabin crew member's flying duties commences within the period of validity of the last recurrent training and checking

comment 1831 comment by: *AEA*

**Relevant text:**

*(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either*

*(1) ..... or*

*(2) 2 refresher sectors on the aircraft type under appropriate supervision*

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

- Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment 1994 comment by: *Elaine Allan Monarch*

Page No.  
20

Ref No.  
NPA 2009 -2c OR OPS 140 CC

Summary of EASA Proposed Requirement:

(5) No reference to fitting of Lifejackets Smokehood or Portable Oxygen during refresher training

Comment:  
Is this no longer a requirement

Justification:  
Appears inconsistent with the requirements

Proposed Text (if applicable)  
Include the following - ***(c) (6) and the donning by each Cabin Crew member of lifejackets, portable oxygen and PBE***

comment

1995

comment by: Elaine Allan Monarch

Page No.  
20

Ref No.  
NPA 2009 -2c OR OPS 140 CC

Summary of EASA Proposed Requirement:  
No reference to being able to substitute refresher training with recurrent training as per EU Ops

Comment:  
Suggest that this information is re instated

Justification:  
To substitute refresher for recurrent training otherwise additional training would be required for no benefit.

Proposed Text (if applicable)  
Include: ***An operator may substitute recurrent training for refresher if the re-instatement of the cabin crew member's flying duties commences within the period of validity of the last recurrent training and checking***

comment

2098

comment by: AUSTRIAN Airlines

**Relevant Text:**

(b) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either:

- (1) the applicable refresher training in accordance with (c); or
- (2) 2 refresher sectors on the aircraft type under appropriate supervision.

**Comment:**

It is not clear what appropriate supervision means.

This is a new requirement which goes beyond Subpart O of EU-OPS (OPS 1.1020). It has no safety justification.

**Proposal:**

Delete 'under appropriate supervision' and realign with EU-OPS

comment

2099

comment by: AUSTRIAN Airlines

**Relevant Text:**

(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being

assigned on that type complete either

(1) ..... or

**(2) 2 refresher sectors on the aircraft type under appropriate supervision**

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment

2100

comment by: AUSTRIAN Airlines

**Relevant Text:**

(c) (4) demonstration of the operation of all other exits; and

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

3. the operation and actual opening of each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;

4. demonstration of the operation of all other exits including flight deck windows; and

**Proposal:**

4) be informed about the operation of all other exits; and

comment

2101

comment by: AUSTRIAN Airlines

**Relevant text:**

*(c) The refresher training programme for each aircraft type shall cover as a minimum:*

*(1)...*

*(5) location and handling of all **safety and** emergency equipment carried.*

**Comment:**

In App 1 to EUOPS 1.1020 (5) only emergency equipment is mentioned. In OR.OPS.140.CC (c)(5) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment

2102

comment by: AUSTRIAN Airlines

**relevant text:**

*(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either*

*(1) ..... or*

*(2) 2 refresher sectors on the aircraft type under appropriate supervision*

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is

not acceptable.

**Proposal:**

- Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment

2286

comment by: *Ryanair*

Comment

IEM OPS 1.1020(a) allows refresher training to be substituted with recurrent training if the re-instatement of the CCM's flying duties commences within the validity period of the last recurrent training and checking. This measure allows operators to plan CCMs into already planned and resourced recurrent training. Of course, the content of the recurrent training must be in excess of the requirements proposed in OR.OPS.140CC Operator's Refresher Training. The competent authority must approve such training and procedures.

It would not be uncommon for refresher training to be required for a single CCM. Such a refresher training course will require an Instructor, a location and the administration of the roster and training records. This is an unnecessary expense that could be avoided if the measures contained in the above mentioned IEM are retained.

Proposal

The contents of IEM 1.020(a) be included in part OR.OPS/CC.

comment

2401

comment by: *KLM*

**Relevant Text:**

(b) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either:

(1) the applicable refresher training in accordance with (c); or

(2) 2 refresher sectors on the aircraft type under appropriate supervision.

**Comment:**

It is not clear what appropriate supervision means.

This is a new requirement which goes beyond Subpart O of EU-OPS (OPS 1.1020). It has no safety justification.

**Proposal:**

Delete 'under appropriate supervision' and realign with EU-OPS

comment

2402

comment by: *KLM*

**Relevant Text:**

(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either

(1) ..... or

**(2) 2 refresher sectors on the aircraft type under appropriate supervision**

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin

crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment

2404

comment by: KLM

**Relevant Text:**

(c) (4) demonstration of the operation of all other exits; and

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

3. the operation and actual opening of each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;

4. demonstration of the operation of all other exits including flight deck windows; and

**Proposal:**

4) be informed about the operation of all other exits and

comment

2405

comment by: KLM

**Relevant text:**

*(c) The refresher training programme for each aircraft type shall cover as a minimum:*

*(1)...*

*(5) location and handling of all **safety and** emergency equipment carried.*

**Comment:**

In App 1 to EUOPS 1.1020 (5) only emergency equipment is mentioned. In OR.OPS.140.CC (c)(5) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment

2406

comment by: KLM

**Relevant text:**

*(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either*

*(1) ..... or*

*(2) 2 refresher sectors on the aircraft type under appropriate supervision*

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

- Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment

2408

comment by: *Virgin Atlantic Airways***Relevant Text:**

- c) The refresher training programme for each aircraft type shall cover as a minimum:
- 5) Location and handling of all safety and emergency equipment carried.

**Comment:**

There is no reference to the current requirement of fitting a Life jacket, oxygen mask and smokehood during refresher training.

**Proposed Text:**

- c) The refresher training programme for each aircraft type shall cover as a minimum:
- 5) Location and handling of all safety and emergency equipment carried including, oxygen systems ,and the donning of lifejackets, portable oxygen and protective breathing equipment.

comment

2412

comment by: *Virgin Atlantic Airways***Relevant Text:**

Operator's refresher training.

- a) A cabin crewmember who has not undertaken any flying duties for more than 6 months shall undergo a refresher training on the aircraft type to be operated before being assigned to duties.
- b) A cabin crew member who has not undertaken any flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either.....

**Comment**

There is no reference to an operator being able to substitute refresher training with recurrent training as per EU Ops.

**Proposed Text:**

An operator may substitute recurrent training for refresher training if the reinstatement of the cabin crew members flying duties commences within the period of validity of the last recurrent training and checking. If the period of validity of the last recurrent and training and checking has expired, aircraft type specific training is required.

comment

2494

comment by: *M Wilson-NetJets***Original text:**

- (a) A cabin crew member who has not undertaken any flying duties for more than 6 months shall undergo a refresher training on the aircraft type to be operated before being assigned to duties.
- (b) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either:
- (1) the applicable refresher training in accordance with (c); or

- (2) 2 refresher sectors on the aircraft type under appropriate supervision.  
 (c) The refresher training programme for each aircraft type shall cover as a minimum:
- (1) emergency procedures;
  - (2) evacuation procedures;
  - (3) actual operation and opening by each cabin crew member of each type or variant of normal and emergency exits in the normal and emergency modes;
  - (4) demonstration of the operation of all other exits; and
  - (5) location and handling of all safety and emergency equipment carried
- Suggested new text:**

(a) A cabin crew member who has not undertaken any flying duties for more than **a predetermined period of time, as determined by the operator and dependent from the complexity of the cabin and associated features**, shall undergo a refresher training on the aircraft type to be operated before being assigned to duties.

(b) A cabin crew member who has not undertaken flying duties on one particular aircraft type for a predetermined period of time, as determined by the operator and dependent from the complexity of the cabin and associated features, shall before being assigned on that type complete either:

- (1) the applicable refresher training in accordance with (c); or
  - (2) **2 refresher** sectors on the aircraft type under appropriate supervision.
- (c) The refresher training programme for each aircraft type shall cover as a minimum:
- (1) emergency procedures;
  - (2) evacuation procedures;
  - (3) actual operation and opening by each cabin crew member of each type or variant of normal and emergency exits in the normal and emergency modes;
  - (4) demonstration of the operation of all other exits; and
  - (5) location and handling of all safety and emergency equipment carried

**Comment/suggestion:**

The need for refresher training depends greatly on the complexity of the cabin and its associated features. Therefore, the actual timeframe after which a refresher training must be accomplished should be variable with that complexity. The actual timeframe should be moved to the AMC and allow operators to submit different timeframes in an AMC by simultaneously proving equal or better safety.

comment

2577

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(b) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either:

- (1) the applicable refresher training in accordance with (c); or
- (2) 2 refresher sectors on the aircraft type under appropriate supervision.

**Comment:**

It is not clear what appropriate supervision means.

This is a new requirement which goes beyond Subpart O of EU-OPS (OPS 1.1020). It has no safety justification.

**Proposal:**

Delete 'under appropriate supervision' and realign with EU-OPS

comment 2578 comment by: Deutsche Lufthansa AG

**Relevant Text:**

(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either

(1) ..... or

**(2) 2 re fresher s ectors on the airc raft type under appropriate supervision**

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment 2579 comment by: Deutsche Lufthansa AG

**Relevant Text:**

(c) (4) demonstration of the operation of all other exits; and

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

3. the operation and actual opening of each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aeroplane or representative training device;

4. demonstration of the operation of all other exits including flight deck windows; and

**Proposal:**

4) be informed about the operation of all other exits; and

comment 2580 comment by: Deutsche Lufthansa AG

**Relevant text:**

*(c) The refresher training programme for each aircraft type shall cover as a minimum:*

*(1)...*

*(5) location and handling of all **safety and** emergency equipment carried.*

**Comment:**

In App 1 to EUOPS 1.1020 (5) only emergency equipment is mentioned. In OR.OPS.140.CC (c)(5) also safety equipment is mentioned.

**Proposal:**

Define safety equipment.

comment 2581 comment by: Deutsche Lufthansa AG

**Relevant text:**

*(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either*

*(1) ..... or*

(2) 2 refresher sectors on the aircraft type under appropriate supervision

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

- Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment

2930

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(b) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either:

(1) the applicable refresher training in accordance with (c); or

(2) 2 refresher sectors on the aircraft type under appropriate supervision.

**Comment:**

It is not clear what appropriate supervision means.

This is a new requirement which goes beyond Subpart O of EU-OPS (OPS 1.1020). It has no safety justification.

**Proposal:**

Delete 'under appropriate supervision' and realign with EU-OPS

comment

2931

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either

(1) ..... or

**(2) 2 refresher sectors on the aircraft type under appropriate supervision**

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment

2933

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(c) (4) demonstration of the operation of all other exits; and

**Comment:**

Change it to be in line with current EU-OPS, ref actual text;

3. the operation and actual opening of each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an

aeroplane or representative training device;  
4. demonstration of the operation of all other exits including flight deck windows; and

**Proposal:**

4) be informed about the operation of all other exits; and

comment 2934 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

*(c) The refresher training programme for each aircraft type shall cover as a minimum:*

*(1)...*

*(5) location and handling of all **safety and** emergency equipment carried.*

**Comment:**

In App 1 to EUOPS 1.1020 (5) only emergency equipment is mentioned. In OR.OPS.140.CC (c)(5) also safety equipment is mentioned.

**Proposal:**

Please define Safety equipment

comment 2935 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:**

*(B) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either*

*(1) ..... or*

*(2) 2 refresher sectors on the aircraft type under appropriate supervision*

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

- Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment 3545 comment by: *KLM Cityhopper*

**Comment:**

Information regarding these 2 refresher sectors is not given and leads, when read in conjunction with OR.OPS.210.CC, to the conclusion that a cabin crewmember completing a refresher sector shall not wear a uniform. This is not acceptable.

**Proposal:**

Add an AMC to OR.OPS.140.CC in which it is stated that the two refresher sectors should be operated in accordance with the procedures in AMC .OR.OPS.130.CC paragraph 3 (familiarisation flights).

comment 3615 comment by: *AIR FRANCE*

**Relevant text:**

(c) The refresher training programme for each aircraft type shall cover as a minimum:

(1)...

(5) location and handling of all safety and emergency equipment carried.

Comment:  
In App 1 to EUOPS 1.1020 (5) only emergency equipment is mentioned. In OR.OPS.140.CC (c)(5) also safety equipment is mentioned.

Proposal:  
Please explain difference between Safety equipment and emergency equipment.  
Stick to EU OPS wording : "(1) location and handling of DELETE "all" safety and emergency equipment carried onboard;"

comment 3713

comment by: Icelandair

**Relevant Text:**

(b) A cabin crew member who has not undertaken flying duties on one particular aircraft type during the preceding 6 months shall before being assigned on that type complete either:

(1) the applicable refresher training in accordance with (c); or

(2) 2 refresher sectors on the aircraft type under appropriate supervision.

**Comment:**

It is not clear what appropriate supervision means.

This is a new requirement which goes beyond Subpart O of EU-OPS (OPS 1.1020). It has no safety justification.

**Proposal:**

Delete 'under appropriate supervision' and realign with EU-OPS

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 2 -  
OR.OPS.205.CC Number and composition of cabin crew**

p. 21

comment 311

comment by: EHOc

Paragraph (a)

This understanding of this text might be improved with some punctuation or simplification. Isn't really just saying:

"The minimum number of cabin crew members shall be the greater of:

(1) that specified by the certification requirement of Part 21; or

(2) that specified in OR.OPS.105.CC."

comment 381

comment by: Condor Flugdienst GmbH - FRA HO/R

Referring to OR.OPS.205.CC Para (e): We, Condor Flugdienst GmbH, suggest the prohibition of Defuelling with PAX on board, embarking or disembarking.  
Reason: ICAO 9137, Part I, §16.3.3.!

comment 756

comment by: claire.amos

The line in EU-OPS 1.990 stating procedures for reducing crew must be specified in the operations manual has been removed. It is felt that this line

should be reinstated.

(3)(e) This procedure currently states (OPS 1.311) that 'when the number of passengers remaining are less than 20 only the SCCM needs to be in the cabin' - this has been removed from this statement. It is recommended that the current process in EU-Ops remains as there is no evidence to show any benefit to the change.

comment 777

comment by: *claire.amos*

**(d)(2)(i)(ii)**

This would allow us to operate A319/320 with just 2 cabin crew and 100 pax in a reduced crew operation scenario. This would be a significant change requiring new SOPs to be written for this scenario.

comment

845

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.205.CC (d) (2) & (3): Move (3) up to before (2) and re-number: change as follows:

(d) The minimum required number of cabin crew members determined in accordance with

(a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

~~(2) there is at least:~~

~~(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or~~

~~(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and~~

(2) a report is submitted to the competent authority after completion of the flight.

~~(3) a report is submitted to the competent authority after completion of the flight.~~

(3) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

Justification:

Logical error: (3) is connected only to (2) (ii) by the word "and". If (2) (i) applies, then there is no connection to (3).

comment

865

comment by: *AEA*

**Relevant Text:**

paragraph a

**Comment:**

The text ref minimum number of cabin crew (paragraph (a)), is too complex.

We therefore suggest an editorial comment to clarify the meaning.

**Proposal:**

Amend (a) to read as *'(a) the minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant shall apply when the cabin configuration to be operated has the same number of passenger seats installed as the certification configuration but should never be less than OR.OPS.105.CC. If the aircraft is operated with less passenger seats installed than the certification configuration than the provisions of OR.OPS.105.CC shall apply.*

comment 866

comment by: AEA

**Relevant Text:**

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew

**Comment:**

There is no safety justification to alter EU-OPS. The minimum number of cabin crew does not necessarily need to be on duty during flight .

**Proposal:**

Delete this requirement and realign with EU-OPS

comment 868

comment by: AEA

**Relevant Text:**

(d ) The mimum required cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that

(1) The number of passengers has been reduced, taking particular account of the **special categories of passengers** carried; if any;

**Comment:**

The reference to special categories of passengers is more demanding than EU-OPS. This added complexity in the rules cannot be justified

**Proposal:**

Delete the reference to special categories of passengers

comment 869

comment by: AEA

**Comment:**

Add a paragraph copying the reference of EU-OPS 1.311 b) to cover the case where a reduced number of passenger remains on-board

**Proposal:**

Add (f) *During disembarkation when the number of passengers remaining on-board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with paragraph (d) above provided that 1) the operator has established a procedure for the evacuation of the passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety and 2) the senior cabin crew member is present in the passenger cabin*

comment 1041

comment by: AEA

**Relevant Text:**

**OR.OPS.105.CC**

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

**OR.OPS.205.CC** Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

1049

comment by: AEA

**Relevant Text:**

(a) The minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

**Comment:**

"(a)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type. Via the Operations Manual there's a link with Part 21.Keep text in "(a)" as was in EU-OPS.

**Proposal:**

(a) An operator shall not operate an aeroplane with a maximum approved passenger seating configuration of more than 19, when carrying one or more passengers, unless at least one cabin crew member is included in the crew for the purpose of performing duties, specified in the Operations Manual, in the

interests of the safety of passengers.

comment

1272

comment by: UK CAA

**Page No:** 21

**Paragraph No:**  
OR.OPS.205.CC - (a)

**Comment:**

There is no indication of what should happen if an operator has less than the same number of seats.

**Justification:**

This could allow operations with a lesser number of cabin crew than previously required by EU-OPS and could affect safety standards. NPA 2009-02a (Explanatory Note) stated that the Commission recommended that requirements be based, as much as possible, on existing material in EU-OPS.

**Proposed Text (if applicable):**

Revert to the spirit of text that was in JAR-OPS and EU-OPS – ..if the maximum approved passenger seating configuration is less than the number determined in accordance with Part 21 by at least 50 seats, the number of cabin crew may be reduced by 1 for every whole multiple of 50 seats by which the maximum approved passenger seating configuration falls below the certificated maximum capacity.

comment

1274

comment by: UK CAA

**Page No:** 21

**Paragraph No:**  
OR.OPS.205.CC - (a)

**Comment:**

There is no requirement for there to be at least one cabin crew member per pair of floor level exits as part of the minimum required number of cabin crew.

**Justification:**

Aeroplanes with significantly reduced passenger seating configurations may require a lesser number of cabin crew than there are pairs of floor level exits, for normal operation, but will be required to have at least that many when reducing cabin crew in unforeseen circumstances and during ground operations. (E.g. Current B757 operation with 64 passenger seats installed would require 2 cabin crew for normal operation, yet 4 for fuelling and unforeseen circumstances.)

**Proposed Text (if applicable):** OR.OPS.105.CC (b) The cabin crew shall be composed of at least one cabin crew member for every 50 or fraction of 50, passenger seats installed on the same deck of an aircraft, or one cabin crew member per pair of floor level emergency exits, whichever number is the greater.

comment

1275

comment by: UK CAA

**Page No:** 21

**Paragraph No:**

OR.OPS.205.CC - (d)

**Comment:**

The requirement for a procedure to be in the Operations Manual has been removed.

**Justification:**

A lack of procedure in order to reduce below minimum cabin crew will result in not only non-standardisation between operators, but also non-standardisation within operators, as the procedure could be determined on the day by the flight crew.

**Proposed Text (if applicable):**

(d) (1) the number of passengers has been reduced in accordance with procedures specified in the Operations Manual.

comment

1580

comment by: TAP Portugal

**Relevant Text:**

paragraph a

**Comment:**

The text ref minimum number of cabin crew (paragraph (a)), is too complex. We therefore suggest an editorial comment to clarify the meaning.

**Proposal:**

Amend (a) to read as '*(a) the minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant shall apply when the cabin configuration to be operated has the same number of passenger seats installed as the certification configuration but should never be less than OR.OPS.105.CC. If the aircraft is operated with less passenger seats installed than the certification configuration than the provisions of OR.OPS.105.CC shall apply.*

comment

1581

comment by: TAP Portugal

**Relevant Text:**

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew

**Comment:**

There is no safety justification to alter EU-OPS. The minimum number of cabin crew does not necessarily need to be on duty during flight .

**Proposal:**

Delete this requirement and realign with EU-OPS

comment

1582

comment by: TAP Portugal

**Relevant Text:**

(d ) The mimum required cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that

(1) The number of passengers has been reduced, taking particular account of the **special categories of passengers** carried; if any;

**Comment:**

The reference to special categories of passengers is more demanding than EU-OPS. This added complexity in the rules cannot be justified

**Proposal:**

Delete the reference to special categories of passengers

comment

1583

comment by: TAP Portugal

**Comment:**

Add a paragraph copying the reference of EU-OPS 1.311 b) to cover the case where a reduced number of passenger remains on-board

**Proposal:**

Add (f) *During disembarkation when the number of passengers remaining on-board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with paragraph (d) above provided that 1) the operator has established a procedure for the evacuation of the passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety and 2) the senior cabin crew member is present in the passenger cabin*

comment

1585

comment by: TAP Portugal

**Relevant Text:**

(a) The minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

**Comment:**

"(a)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type. Via the Operations Manual there's a link with Part 21. Keep text in "(a)" as was in EU-OPS.

**Proposal:**

(a) An operator shall not operate an aeroplane with a maximum approved passenger seating configuration of more than 19, when carrying one or more passengers, unless at least one cabin crew member is included in the crew for the purpose of performing duties, specified in the Operations Manual, in the interests of the safety of passengers.

comment

1708

comment by: Thomas Cook Airlines

**Justification:**

More restrictive when significant reduction of number of seats is carried out.

**Proposal:**

Include: If the maximum approved passenger seating configuration is less than the number evacuated during the demonstration by at least 50 seats, the number of cabin crew may be reduced by 1 for every whole multiple of 50 seats by which the maximum approved passenger seating configuration falls below the certified capacity

comment

1709

comment by: Thomas Cook Airlines

**Justification:**

Appears to remove the current requirement to have procedures for reduced

crew operation in the Ops manuals

Proposal:

(d) 3) the number of passengers has been reduced in accordance with procedures specified in the Operations manual

4) a report is submitted to the competent authority after completion of the flight.

comment 1711

comment by: *Thomas Cook Airlines*

Justification:

Current requirement to allow a reduction in number of crew required if less than 20 passengers remaining on board during ground operations has been removed. Has this has no significant effect on safety suggest the reinstatement.

Proposal:

(b) During disembarkation when the number of passengers remaining on board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with OR OPS 205 provided that:

1. the operator has established a procedure for the evacuation of passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety; and
2. the senior cabin crew member is present in the passenger cabin. Minimum number of cabin crew required to be on board an aeroplane during ground operations with passengers

When developing the procedure(s) the following should be taken into account:

- a. The possibility of gathering the remaining passengers in one part of each deck or of the deck, depending upon their initial seat allocation,
- b. The possible occurrence of refuelling/defuelling,
- c. The associated number and distribution of cabin crew and the possible presence of flight crew on board, until the last passenger has disembarked

comment 1734

comment by: *ETF*

New:

(d)

The minimum required number of cabin crew members determined in accordance with

(a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i)

1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever

number is the greater; and

(3)

a report is submitted to the competent authority after completion of the flight.

**(4) the operator has an evacuation procedure acceptable to the competent authority for operation with reduced cabin crew.**

Reason: When less than minimum cabin crew the operator should establish an evacuation procedure.

comment 1839

comment by: Jill Pelan

CFDT France asks

New:

(d)

The minimum required number of cabin crew members determined in accordance with

(a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i)

1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

(3)

a report is submitted to the competent authority after completion of the flight.

**(4) the operator has an evacuation procedure acceptable to the competent authority for operation with reduced cabin crew.**

Reason: When less than minimum cabin crew the operator should establish an evacuation procedure.

comment 1911

comment by: FSC - CCOO

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

Comment: This is of no practical use as it fails to establish on how type and duration of operations should be taken into account. The corresponding **AMC OR.OPS.205.CC number and composition of cabin crew**

*'DETERMINATION OF THE NUMBER AND COMPOSITION OF CABIN CREW*

*1 Factors to be taken into account when determining the minimum number of cabin crew should include:*

*1.7 the type and duration of the flight to be operated.'*

should establish criteria on how to take type and duration of operations into account in order to provide legal certainty and harmonization.

comment 1912

comment by: FSC - CCOO

Add: (d)

**(4) the operator has an evacuation procedure acceptable to the competent authority for operation with reduced cabin crew.**

Reason: In case of an unforeseen emergency all crew members should be aware of their changed duties due to the reduction of the number of cabin crew members. The resulting procedure should be part of initial and eventually recurrent training.

comment 1979

comment by: kapers Cabin Crew Union

<p>New:</p> <p>The minimum required number of cabin crew members determined in accordance with</p> <p>(a) may be reduced in unforeseen circumstances provided that:</p> <p>(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;</p> <p>(2) there is at least:</p> <p>(i)</p> <p>1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or</p> <p>(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and</p> <p>(3)</p> <p>a report is submitted to the competent authority after completion of the flight.</p> <p><b><u>(4) the operator has an evacuation procedure acceptable to the competent authority for operation with reduced cabin crew.</u></b></p> <p>Reason: When less than minimum cabin crew the operator should establish an evacuation procedure.</p>	<p>(d)</p>
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comment	<p>1996</p> <p>Page No. 21</p> <p>Ref No. NPA 2009 - 2c OR OPS 205 CC a</p> <p>Summary of EASA Proposed Requirement: There is no facility to reduce below minimum crew as per EU Ops if operating with less than max certified passenger configuration.</p> <p>Comment: E.g. A VIP config on a B757 with less than 100 pax would still require 5 crew.</p> <p>Justification: This is more restrictive when there is such a significant reduction in the number of seats.</p> <p>Proposed Text (if applicable) Include: <b><i>If the maximum approved passenger seating configuration is less than the number evacuated during the demonstration by at least 50 seats, the number of cabin crew may be reduced by 1 for every whole multiple of 50 seats by which the maximum approved passenger seating configuration falls below the certified capacity</i></b></p>	comment by: Elaine Allan Monarch
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comment	<p>1997</p> <p>Page No. 21</p> <p>Ref No. NPA 2009 - 2c OR OPS 205 CC d</p> <p>Summary of EASA Proposed Requirement:</p>	comment by: Elaine Allan Monarch
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There is no reference to procedures/requirements to be specified in the Ops manual.

Comment:

Justification:

Has the current requirement to have procedures for reduced crew operation in the Ops manuals been removed.

Proposed Text (if applicable)

**(d) 3) the number of passengers has been reduced in accordance with procedures specified in the Operations manual 4)** a report is submitted to the competent authority after completion of the flight.

comment

1998

comment by: Elaine Allan Monarch

Page No.  
21

Ref No.  
NPA 2009 - 2c OR OPS 205 CC d

Summary of EASA Proposed Requirement:

There is not a facility to reduce the number of crew if less than 20 pax remaining onboard.

Comment:

Justification:

Currently operators are able to reduce the number of crew if less than 20 passengers are on board during ground operations

Proposed Text (if applicable)

(e

) During ground operations, when the aircraft is at its parking station and one or more passengers are on board, the minimum required number of cabin crewmembers may only be reduced if:

(4) During disembarkation when the passengers remaining on board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required provided that:

the operator has established a procedure for the evacuation of passengers with this reduced number of cabin crew has been accepted by the regulator as providing equivalent safety ; and  
the senior cabin crew member is present in the passenger cabin

comment

2082

comment by: AUSTRIAN Airlines

**Relevant Text:**

OR.OPS.105.CC

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an

aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when

determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

2103

comment by: AUSTRIAN Airlines

**Relevant Text:**

paragraph a

**Comment:**

The text ref minimum number of cabin crew (paragraph (a)), is too complex. We therefore suggest an editorial comment to clarify the meaning.

**Proposal:**

Amend (a) to read as *'(a) the minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant shall apply when the cabin configuration to be operated has the same number of passenger seats installed as the certification configuration but should never be less than OR.OPS.105.CC. If the aircraft is operated with less passenger seats installed than the certification configuration then the provisions of OR.OPS.105.CC shall apply.'*

comment

2104

comment by: AUSTRIAN Airlines

**Relevant Text:**

(b) The operator shall take into account the type and duration of operations

when determining the number and composition of the cabin crew

**Comment:**

There is no safety justification to alter EU-OPS. The minimum number of cabin crew does not necessarily need to be on duty during flight .

**Proposal:**

Delete this requirement and realign with EU-OPS

comment

2105

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(d ) The minimum required cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that

(1) The number of passengers has been reduced, taking particular account of the **special categories of passengers** carried; if any;

**Comment:**

The reference to special categories of passengers is more demanding than EU-OPS. This added complexity in the rules cannot be justified

**Proposal:**

Delete the reference to special categories of passengers

comment

2106

comment by: *AUSTRIAN Airlines*

**Comment:**

Add a paragraph copying the reference of EU-OPS 1.311 b) to cover the case where a reduced number of passenger remains on-board

**Proposal:**

Add (f) *During disembarkation when the number of passengers remaining on-board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with paragraph (d) above provided that 1) the operator has established a procedure for the evacuation of the passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety and 2) the senior cabin crew member is present in the passenger cabin*

comment

2107

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(a) The minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

**Comment:**

"(a)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type. Via the Operations Manual there's a link with Part 21. Keep text in "(a)" as was in EU-OPS.

**Proposal:**

(a) An operator shall not operate an aeroplane with a maximum approved passenger seating configuration of more than 19, when carrying one or more passengers, unless at least one cabin crew member is included in the crew for the purpose of performing duties, specified in the Operations Manual, in the interests of the safety of passengers.

comment

2319

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

"(d)(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any:"

**Comment:**

The is linked to MG0002.

- (a) No guidance is provided on the criteria for reducing the number of passengers.  
 OPs 1.9909(d)(1) stated that this should be "in accordance with procedures specified in the Operations Manual."  
 (b) No guidance is provided in OPS.CAT110(2) on how to determine limits of 'special categories of passengers'.

Without this guidance it will make it very difficult for us to establish a procedure for operating with reduced required cabin crew complement.

**Proposed Text:**

"(d)(1) the number of passengers has been reduced in accordance with procedures specified in the Operations Manual.  ~~, taking particular account of the special categories of passengers carried, if any:-~~"

comment 2383

comment by: KLM

**Relevant Text:**

OR.OPS.105.CC

- (a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.  
 (b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.  
 (c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

- (a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.  
 (b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.  
 (c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.  
 (d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:  
 (1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;  
 (2) there is at least:  
 (i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or  
 (ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

2407

comment by: KLM

**Relevant Text:**

paragraph a

**Comment:**

The text ref minimum number of cabin crew (paragraph (a)), is too complex. We therefore suggest an editorial comment to clarify the meaning.

**Proposal:**

Amend (a) to read as *'(a) the minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant shall apply when the cabin configuration to be operated has the same number of passenger seats installed as the certification configuration but should never be less than OR.OPS.105.CC. If the aircraft is operated with less passenger seats installed than the certification configuration than the provisions of OR.OPS.105.CC shall apply.*

comment

2409

comment by: KLM

**Relevant Text:**

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew

**Comment:**

There is no safety justification to alter EU-OPS. The minimum number of cabin crew does not necessarily need to be on duty during flight .

**Proposal:**

Delete this requirement and realign with EU-OPS

comment

2410

comment by: KLM

**Relevant Text:**

(d ) The mimum required cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that

(1) The number of passengers has been reduced, taking particular account of the **special categories of passengers** carried; if any;

**Comment:**

The reference to special categories of passengers is more demanding than EU-OPS. This added complexity in the rules cannot be justified

**Proposal:**

Delete the reference to special categories of passengers

comment

2411

comment by: KLM

**Comment:**

Add a paragraph copying the reference of EU-OPS 1.311 b) to cover the case where a reduced number of passenger remains on-board

**Proposal:**

Add (f) *During disembarkation when the number of passengers remaining on-board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with paragraph (d) above provided that 1) the operator has established a procedure for the evacuation of the passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety and 2) the senior cabin crew member is present in the passenger cabin*

comment 2413

comment by: KLM

**Relevant Text:**

(a) The minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

**Comment:**

"(a)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type. Via the Operations Manual there's a link with Part 21. Keep text in "(a)" as was in EU-OPS.

**Proposal:**

(a) An operator shall not operate an aeroplane with a maximum approved passenger seating configuration of more than 19, when carrying one or more passengers, unless at least one cabin crew member is included in the crew for the purpose of performing duties, specified in the Operations Manual, in the interests of the safety of passengers.

comment 2534

comment by: British Airways Flight Operations

**Relevant Text:**

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew

**Comment:**

There is no safety justification to alter the text from EU-OPS. The minimum number of cabin crew does not necessarily need to be on duty during flight .

**Proposal:**

Delete this requirement and realign with EU-OPS

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment 2539

comment by: British Airways Flight Operations

**Relevant Text:**

(d ) The minimum required cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that

(1) The number of passengers has been reduced, taking particular account of the special categories of passengers carried; if any;

**Comment:**

The reference to special categories of passengers is more demanding than EU-OPS. Extra cabin crew are not required if special category passengers are carried; therefore, the converse must be true: that special category passengers need not be considered in deciding to reduce the number of cabin crew. This added complexity in the rules cannot be justified

**Proposal:**

Delete the reference to special categories of passengers.

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment 2558

comment by: *Deutsche Lufthansa AG*

**Relevant Texts:**

**OR.OPS.105.CC**

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

**OR.OPS.205.CC** Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment 2564

comment by: *British Airways Flight Operations*

**Relevant Text:**

(a) The minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

**Comment:**

"(a)" was not in EU-OPS. The operator has no influence on Part-21, especially variants of a single type. However, there is a link with Part 21 via the Operations Manual. Keep text in "(a)" as was in EU-OPS.

**Proposal:**

Replace (a) with the following text:

(a) An operator shall not operate an aeroplane with a maximum approved passenger seating configuration of more than 19, when carrying one or more passengers, unless at least one cabin crew member is included in the crew for the purpose of performing duties, specified in the Operations Manual, in the interests of the safety of passengers.

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2582

comment by: Deutsche Lufthansa AG

**Relevant Text:**

paragraph a

**Comment:**

The text ref minimum number of cabin crew (paragraph (a)), is too complex. We therefore suggest an editorial comment to clarify the meaning.

**Proposal:**

Amend (a) to read as '*(a) the minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant shall apply when the cabin configuration to be operated has the same number of passenger seats installed as the certification configuration but should never be less than OR.OPS.105.CC. If the aircraft is operated with less passenger seats installed than the certification configuration than the provisions of OR.OPS.105.CC shall apply.*

comment

2583

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew

**Comment:**

There is no safety justification to alter EU-OPS. The minimum number of cabin crew does not necessarily need to be on duty during flight .

**Proposal:**

Delete this requirement and realign with EU-OPS

comment

2584

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(d ) The mimum required cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that

(1) The number of passengers has been reduced, taking particular account of the special categories of passengers carried; if any;

**Comment:**

The reference to "special categories of passengers" is more demanding than EU-OPS. This added complexity in the rules cannot be justified

**Proposal:**

Delete the reference to special categories of passengers

comment

2585

comment by: *Deutsche Lufthansa AG***Comment:**

Add a paragraph copying the reference of EU-OPS 1.311 b) to cover the case where a reduced number of passenger remains on-board

**Proposal:**

Add (f) *During disembarkation when the number of passengers remaining on-board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with paragraph (d) above provided that 1) the operator has established a procedure for the evacuation of the passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety and 2) the senior cabin crew member is present in the passenger cabin*

comment

2586

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(a) The minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

**Comment:**

"(a)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type. Via the Operations Manual there's a link with Part 21. Keep text in "(a)" as was in EU-OPS.

**Proposal:**

(a) An operator shall not operate an aeroplane with a maximum approved passenger seating configuration of more than 19, when carrying one or more passengers, unless at least one cabin crew member is included in the crew for the purpose of performing duties, specified in the Operations Manual, in the interests of the safety of passengers.

comment

2820

comment by: *Deutsche Lufthansa AG***Relevant text:**

(e)(2) no refuelling/defuelling is taking place

**Comment:**

Defuelling with pax on board not permitted according ICAO.

**Proposal:**

(e)(2) no refuelling is taking place

comment

2857

comment by: *Civil Aviation Authority of Norway*

Comment to (a);

Reading this paragraph, it seems that it will not be possible to operate an aircraft with less cabin crew than determined by the number of seats in the type certificate (MAPSC) As it is today, a number of operators has received an approval for operating with less seats than defined in the Type Certificate. For instance, reducing the seats from 151 to 149 will reduce the number of required cabin crew members from 4 to 3, and are a common practise today. This possibility should be allowed to continue, as the opposite has no proven

effect on increased flight safety standards.

comment

2912

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

OR.OPS.105.CC

(a) At least one cabin crew member shall be assigned for the operation of any aircraft with a maximum passenger seating configuration of more than 19 when carrying one or more passengers.

(b) The cabin crew shall be composed of at least one cabin crew member for every 50, or fraction of 50, passenger seats installed on the same deck of an aircraft.

(c) For operations when more than one cabin crew member is assigned the operator shall nominate one cabin crew member to be responsible to the pilot in command.

OR.OPS.205.CC Number and composition of cabin crew

(a) The minimum number of cabin crew members determined in accordance with Part 21 for the certification of the aircraft type or variant to be operated with the same number of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

(c) When more than one cabin crew member is required, the composition of the cabin crew shall comprise a senior cabin crew member nominated by the operator and qualified in accordance with OR.OPS.260.CC.

(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and

**Comment:**

Number and composition of cabin crew (d) (2) refer to the same thing.

**Proposal:**

Reduce and simplify text to reach single source principle together with deviations in sub chapters instead of twice roughly the same info. This will reduce confusion and give clarity.

comment

2937

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

paragraph a

**Comment:**

The text ref minimum number of cabin crew (paragraph (a)), is too complex. We therefore suggest an editorial comment to clarify the meaning.

**Proposal:**

Amend (a) to read as *'(a) the minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant shall apply when the cabin configuration to be*

***operated has the same number of passenger seats installed as the certification configuration but should never be less than OR.OPS.105.CC. If the aircraft is operated with less passenger seats installed than the certification configuration than the provisions of OR.OPS.105.CC shall apply.***

comment 2939 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew

**Comment:**

There is no safety justification to alter EU-OPS. The minimum number of cabin crew does not necessarily need to be on duty during flight .

**Proposal:**

Delete this requirement and realign with EU-OPS

comment 2940 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(d ) The mimum required cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that

(1) The number of passengers has been reduced, taking particular account of the **special categories of passengers** carried; if any;

**Comment:**

The reference to special categories of passengers is more demanding than EU-OPS. This added complexity in the rules cannot be justified

**Proposal:**

Delete the reference to special categories of passengers

comment 2941 comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:**

Add a paragraph copying the reference of EU-OPS 1.311 b) to cover the case where a reduced number of passenger remains on-board

**Proposal:**

Add (f) *During disembarkation when the number of passengers remaining on-board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with paragraph (d) above provided that 1) the operator has established a procedure for the evacuation of the passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety and 2) the senior cabin crew member is present in the passenger cabin*

comment 2942 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(a) The minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant to be operated with the same umber of passenger seats installed shall apply when greater than the applicable number specified in OR.OPS.105.CC.

**Comment:**

"(a)" was not in EU-OPS. Operator has no influence on Part-21, especially

variants of 1 type. Via the Operations Manual there's a link with Part 21. Keep text in "(a)" as was in EU-OPS.

**Proposal:**

(a) An operator shall not operate an aeroplane with a maximum approved passenger seating configuration of more than 19, when carrying one or more passengers, unless at least one cabin crew member is included in the crew for the purpose of performing duties, specified in the Operations Manual, in the interests of the safety of passengers.

comment 3088

comment by: ERA

[European Regions Airline Association Comment](#)

- Referenced:

'(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(2) There is at least:

- (i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or
- (ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and'

The requirements stated in (d)(2)(i) and (d)(2)(ii) are new and not introduced in the explanatory notes. Whilst (2)(i) is normal practise and acceptable, (2)(ii) is totally new and absolutely not justified (under unforeseen circumstances). Such a requirement was originally rejected following the comments on NPA OPS 45 (ref page 16/29 of the discussion on 1.990 (d) and 1.311: OST also rejected that the requirements of 1.311 be applicable under unforeseen circumstances).

Retaining such a requirement would prevent F50s, ATRs, DHC-8s, Bae146s, AVRO RJs, E-jets, etc. all equipped with 2 pairs of floor level emergency exits from being operated with 1 CC, although the 50 seaters are certified for operation with 1 CC and the others have been flown for years with 1 CC under unforeseen circumstances with no record of incident (due to the mitigation brought by the reduction to 50 passengers max). Additionally, there is no reason to allow operation of F70 or F100 with 1 CC and not Bae 146 or E-jets: the more doors, the more likely passengers will egress.

Therefore, the ERA Directorate suggest that (d) (2) be modified as follows:

(2) there is at least 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; and

~~(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or~~

~~(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and~~

- Referenced

'(e) During ground operations, when the aircraft is at its parking station and one or more passengers are on board, the minimum required number of cabin

crew members may be reduced only if:

(1) the number of cabin crew members present on board complies with the number required in **(d) (2) above;**'

As mentioned when commenting OR.OPS.205.CC paragraph (d), the requirements for 1 CC per pair of floor level exit cannot not apply for 50 seaters or less certified with 1 CC or for any other type under unforeseen circumstances. In addition the requirement of OPS 1.315 (a) already does not work for the 50 seaters/2 pairs of floor exits and does not apply under unforeseen circumstances (the "reduction" allowance does not apply under unforeseen circumstances)

Therefore, the ERA Directorate suggest that (e) (1) be modified as follows:

~~(1) the number of cabin crew members present on board complies with the number required in (d) (2) above;~~

comment

3156

comment by: *Vairis VELDE*

Reduction of number of passengers, taking particular account of the special categories of passengers carried, if any, in order to reduce minimum required number of cabin crew members in unforeseen circumstances is in conflict with an objective of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when traveling by air where it is emphasized that disabled persons and persons with reduced mobility shall have opportunities for air travel comparable to those of other citizens.

comment

3253

comment by: *Ryanair*

(d)(2)(ii)

This proposal would appear to prevent paragraph (i) from being implemented. The majority of commercial jet aircraft that carry 200 passengers or less has 4 floor level exits. This proposal would preclude the majority of short haul operators from dispatching with less than the required number of cabin crew (e.g. B737-800 - 4 cabin crew members required and 4 floor level emergency exits). The provision "whichever number is the greater" must therefore be removed.

**Proposal**

Remove

comment

3266

comment by: *cfdt france*

CFDT France asks

New: *(d)*

The minimum required number of cabin crew members determined in accordance with

(a) may be reduced in unforeseen circumstances provided that:

(1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

(2) there is at least:

(i)

1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

- (ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and  
 (3) a report is submitted to the competent authority after completion of the flight.

**(4) the operator as an evacuation procedure acceptable to the competent authority for operation with reduced cabin crew.**

Reason: When less than minimum cabin crew the operator should establish an evacuation procedure.

comment

3341

comment by: Lufthansa CityLine GmbH

d  
 (2)

The requirements stated in (2)(i) and (2)(ii) are new and not introduced in the explanatory notes. Whilst (2)(i) is normal practise and acceptable, (2)(ii) is totally new and absolutely not justified (under unforeseen circumstances). Such a requirement was originally rejected following the comments on NPA OPS 45 (ref page 16/29 of the discussion on 1.990 (d) and 1.311: OST also rejected that the requirements of 1.311 be applicable under unforeseen circumstances).

Retaining such a requirement would prevent F50s, ATRs, DHC-8s, Bae146s, AVRO RJs, E-jets, etc. all equipped with 2 pairs of floor level emergency exits from being operated with 1 CC, although the 50 seaters are certified for operation with 1 CC and the others have been flown for years with 1 CC under unforeseen circumstances with no record of incident (due to the mitigation brought by the reduction to 50 passengers max). Additionally, there is no reason to allow operation of F70 or F100 with 1 CC and not Bae 146 or E-jets: the more doors, the more likely passengers will egress.

Therefore, Lufthansa CityLine suggests that (d) be modified as follows:

d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

1) the number of passengers has been reduced, taking particular account of the special categories of passengers carried, if any;

2) there is at least 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; and

.....

e

As mentioned when commenting OR.OPS.205.CC paragraph (d), the requirements for 1 CC per pair of floor level exit cannot not apply for 50 seaters or less certified with 1 CC or for any other type under unforeseen circumstances. In addition the requirement of OPS 1.315 (a) already does not work for the 50 seaters/2 pairs of floor exits and does not apply under unforeseen circumstances (the "reduction" allowance does not apply under unforeseen circumstances)

Therefore, Lufthansa CityLine suggests that (d) be modified as follows:

e) During ground operations, when the aircraft is at its parking station and one or more passengers are on board, the minimum required number of cabin crew members may be reduced only if:

~~1) the number of cabin crew members present on board complies with the number required in (d) (2) above;~~

2) no refuelling/defueling is taking place; and  
 3) procedures to be applied with this reduced number of cabin crew are established in the operations manual.

comment 3616

comment by: AIR FRANCE

**Comment:**

The text ref minimum number of cabin crew (paragraph (a)), is too complex and then difficult to understand. We therefore suggest an editorial comment to clarify the meaning.

**Proposal:**

Amend (a) to read as '(a) the minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant shall apply when the cabin configuration to be operated has the same number of passenger seats installed as the certification configuration but should never be less than OR.OPS.105.CC. If the aircraft is operated with less passenger seats installed than the certification configuration then the provisions of OR.OPS.105.CC shall apply.

comment 3617

comment by: AIR FRANCE

**Comment:**

Add a paragraph copying the reference of EU-OPS 1.311 b) to cover the case where a reduced number of passenger remains on-board

**Proposal:**

Add (f) During disembarkation when the number of passengers remaining on-board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with paragraph (d) above provided that 1) the operator has established a procedure for the evacuation of the passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety and 2) the senior cabin crew member is present in the passenger cabin

comment 3747

comment by: Icelandair

**Relevant Text:**

paragraph a

**Comment:**

The text ref minimum number of cabin crew (paragraph (a)), is too complex. We therefore suggest an editorial comment to clarify the meaning.

**Proposal:**

Amend (a) to read as '**(a) the minimum number of cabin crew members determined in accordance with Part-21 for the certification of the aircraft type or variant shall apply when the cabin configuration to be operated has the same number of passenger seats installed as the certification configuration but should never be less than OR.OPS.105.CC. If the aircraft is operated with less passenger seats installed than the certification configuration than the provisions of OR.OPS.105.CC shall apply.**

comment 3751

comment by: Icelandair

**Relevant Text:**

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew

**Comment:**

There is no safety justification to alter EU-OPS. The minimum number of cabin crew does not necessarily need to be on duty during flight .

**Proposal:**

Delete this requirement and realign with EU-OPS

comment

3819

comment by: *IACA International Air Carrier Association*

(e)(2)

EASA should prohibit "Defuelling with passengers on board, embarking or disembarking". Reason: ICAO Doc.9137 Part 1 Paragraph 16.3.3.

comment

3956

comment by: *ANE (Air Nostrum) OPS QM*

- Referenced:

'(d) The minimum required number of cabin crew members determined in accordance with (a) may be reduced in unforeseen circumstances provided that:

(2) There is at least:

(i) 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; or

(ii) 1 cabin crew member per pair of floor level emergency exits, whichever number is the greater; and' The requirements stated in (d)(2)(i) and (d)(2)(ii) are new and not introduced in the explanatory notes. Whilst (2)(i) is normal practise and acceptable, (2)(ii) is totally new and absolutely not justified (under unforeseen circumstances). Such a requirement was originally rejected following the comments on NPA OPS 45 (ref page 16/29 of the discussion on 1.990 (d) and 1.311: OST also rejected that the requirements of 1.311 be applicable under unforeseen circumstances). Retaining such a requirement would prevent F50s, ATRs, DHC-8s, Bae146s, AVRO RJs, E-jets, etc. all equipped with 2 pairs of floor level emergency exits from being operated with 1 CC, although the 50 seaters are certified for operation with 1 CC and the others have been flown for years with 1 CC under unforeseen circumstances with no record of incident (due to the mitigation brought by the reduction to 50 passengers max). Additionally, there is no reason to allow operation of F70 or F100 with 1 CC and not Bae 146 or E-jets: the more doors, the more likely passengers will egress.

Therefore, we suggest that (d) (2) be modified as follows:

(2) there is at least 1 cabin crew member for every 50, or fraction of 50, passengers carried on the same deck of the aircraft; and

And delete (i) 1 , (ii) 1

- Referenced

'(e) During ground operations, when the aircraft is at its parking station and one or more passengers are on board, the minimum required number of cabin crew members may be reduced only if:

(1) the number of cabin crew members present on board complies with the number required in

(d) (2) above;'

As mentioned when commenting OR.OPS.205.CC paragraph (d), the requirements for 1 CC per pair of floor level exit cannot not apply for 50 seaters or less certified with 1 CC or for any other type under unforeseen circumstances. In addition the requirement of OPS 1.315

(a) already does not work for the 50 seaters/2 pairs of floor exits and does not apply under unforeseen circumstances (the "reduction" allowance does not apply under unforeseen circumstances)

Therefore, we suggest that (e) (1) be modified as follows:

Please delete

~~(1) the number of cabin crew members present on board  
complies with the number required in (d) (2) above;~~

comment 3969

comment by: CUD

(b) The operator shall take into account the type and duration of operations when determining the number and composition of the cabin crew.

Comment: This is of no practical use as it fails to establish on how type and duration of operations should be taken into account. The corresponding **AMC OR.OPS.205.CC number and composition of cabin crew**

*'DETERMINATION OF THE NUMBER AND COMPOSITION OF CABIN CREW*

*1 Factors to be taken into account when determining the minimum number of cabin crew should include:*

*1.7 the type and duration of the flight to be operated.'*

should establish criteria on how to take type and duration of operations into account in order to provide legal certainty and harmonization.

comment 3970

comment by: CUD

Add: (d)

**(4) the operator has an evacuation procedure acceptable to the competent authority for operation with reduced cabin crew.**

Reason: In case of an unforeseen emergency all crew members should be aware of their changed duties due to the reduction of the number of cabin crew members. The resulting procedure should be part of initial and eventually recurrent training.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 2 -  
OR.OPS.210.CC Conditions for assignment to duties**

p. 21

comment 431

comment by: CAA-NL

Comment Regarding:

(2) such uniform is compatible with the safety functions of cabin crew and is clearly ...

Comment CAA-NL:

What is the definition of compatible with the safety functions of cabin crew.

comment 614

comment by: claire.amos

OR.OPS.210.CC (b) (1)

Operational Impact: If a crew member is qualified, they should be permitted to 'deadhead' in uniform. This will have a significant impact on our operation as we regularly position crew to an alternative base to operate immediately. Crew who are SICK down route would no longer be able to be flown home. Recurrent training would no longer be held in uniform as trainees position in uniform from all around the network.

OR.OPS.210.CC (b) (2)

Clarification required: How will this impact on ground agents who wear an identical uniform to cabin crew?

comment 757

comment by: *claire.amos*

(b)(1) Clarification required. In the event of crew incapacitation during their duty it would not be practical or ethical to expect the crew member to change clothing. It would be uneconomical and indecent to expect crew to change out of civvies in to their uniform after positioning to operate a straight after disembarkation.

comment 847

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.210.CC (b) (1): delete as follows:

(b) The operator shall also ensure that:

~~**(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform, and**~~

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

Justification:

This means that flying as passenger is not permitted if the crew member wears a uniform. Many States require that "dead-head" crew members (proceeding?) pass immigrations in uniform. In addition: This means that private travel to/from duty is also prohibited in uniform – completely unacceptable!

comment 848

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.210.CC: add the text as follows:

(a) The operator shall:

(1) only assign cabin crew members **to duty** holding a cabin crew attestation issued in accordance with PartCC.

Justification:

Assign to what?

comment 874

comment by: *AEA*

**Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the

operator's cabin crew uniform; and  
 (2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

The requirement to make the CC identifiable is already adequately covered in OR.OPS.110.CC (B). As written, the requirement (that only cabin crew assigned to duties on a flight wear the operator's cabin crew uniform) is not in line with EU-OPS Subpart O and it would create major problems for positioning flights of cabin crew who wear the operator's uniform. This proposal is therefore completely unacceptable to AEA.

The AEA also notes that this proposal for hard-law which is a major deviation from EU-OPS, - which has no safety justification -, is also not in line with EASA's performance based rulemaking concept.

**Proposal:**

Delete (b) and realign with EU-OPS

comment 1046

comment by: AEA

**Relevant Text:**

(a) The operator shall:

(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

**Comment:**

Assigning supplemental cabin crew, not having a attestation, should also be possible. Like service specific cabin crew.

**Proposal:**

(a) The operator shall:

(1) assign for **safety** duties only cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

comment 1047

comment by: AEA

**Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

Supplemental Cabin crew not holding an attestation should also be able to wear a cabin crew uniform;

Also; this does preclude non working crew in uniform on board of an aircraft, even if they are normal booked pax.

**Proposal:** Delete "and only"

(b) The operator shall also ensure that:

(1) all the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

comment 1276

comment by: UK CAA

**Page No:** 21

**Paragraph No:**

OR.OPS.210.CC (b)

**Comment:**

Previous text in EU-OPS contained restrictions for certain categories of personnel. This has now been removed. NPA 2009-02a (Explanatory Note) stated that the Commission recommended that requirements be based, as much as possible on existing material in EU-OPS.

**Justification:**

The removal of this text could now allow a non-qualified person, in a different uniform; to carry out non-safety related duties in the cabin. This could lower current safety standards.

**Proposed Text (if applicable):**

Add new text at (b) – (3) other personnel who undertake non-safety related tasks in the cabin, shall not wear a uniform which might identify them to passengers as a cabin crew member.

comment 1586

comment by: TAP Portugal

**Relevant Text:**

(b) The operator shall also ensure that:

- (1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and
- (2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

The requirement to make the CC identifiable is already adequately covered in OR.OPS.110.CC (B). As written, the requirement (that only cabin crew assigned to duties on a flight wear the operator's cabin crew uniform) is not in line with EU-OPS Subpart O and it would create major problems for positioning flights of cabin crew who wear the operator's uniform. This proposal is therefore completely unacceptable to AEA.

The AEA also notes that this proposal for hard-law which is a major deviation from EU-OPS, - which has no safety justification -, is also not in line with EASA's performance based rulemaking concept.

**Proposal:**

Delete (b) and realign with EU-OPS

comment 1587

comment by: TAP Portugal

**Relevant Text:**

(a) The operator shall:

- (1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

**Comment:**

Assigning supplemental cabin crew, not having a attestation, should also be possible. Like service specific cabin crew.

**Proposal:**

(a) The operator shall:

- (1) assign for **safety** duties only cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

comment 1588

comment by: TAP Portugal

**Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

Supplemental Cabin crew not holding an attestation should also be able to wear a cabin crew uniform;

Also; this does preclude non working crew in uniform on board of an aircraft, even if they are normal booked pax.

**Proposal:** Delete "and only"

(b) The operator shall also ensure that:

(1) all the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

comment 1712

comment by: Thomas Cook Airlines

**Justification:**

The wording of this rule is operationally restrictive when positioning crew on company aircraft where local immigration regulations require that crew enter a country in uniform. Should a crew member be wearing uniform when not operating they would be expected to assist the operating crew in the event of an emergency situation and would be more clearly identifiable as such to the passengers

**Proposal:**

Replace b) (1) with: Other personnel, such as medical staff, security staff, child minders, escorts, technical staff etc, who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as a cabin crew member unless they comply with the requirements of this subpart and any other applicable requirements of this regulation

comment 1713

comment by: Thomas Cook Airlines

**Justification:**

The wording of this rule is operationally restrictive when positioning crew on company aircraft where local immigration regulations require that crew enter a country in uniform. Should a crew member be wearing uniform when not operating they would be expected to assist the operating crew in the event of an emergency situation and would be more clearly identifiable as such to the passengers

**Proposal:**

Replace b) (1) with: Other personnel, such as medical staff, security staff, child minders, escorts, technical staff etc, who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as a cabin crew member unless they comply with the requirements of this subpart and any other applicable requirements of this regulation

comment 1720 

comment by: The TUI Airlines group represented by Thomson

*Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS.120.CC Conditions for assignment to duties**

**(a)**

**Comment:**

This pre-supposes that a Cabin Crew Attestation of Part CC[Cabin Crew Licence] replaces **EU-OPS 1.1035 2.** " keep a copy of the attestation of safety training."

The requirement as laid down under Subpart CCA **CC.CCA.100 Cabin crew attestation** is vigorously rejected as an over bureaucratic requirement which does not serve to add any greater element of safety to that provided by the current EU-OPS 1.1035 noted above.

**Proposal:**

**Delete:** The requirement for a CC Attestation as under **CC.CCA.100 Cabin crew attestation** in it's entirety.

**(b) The operator shall also ensure that:**

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform;

**Comment** – Does this preclude crew from positioning as passenger on our or other aircraft in uniform? Clarification is required.

**Proposal:**

The wording contained within OPS 1.989 is adopted.

Identification

(a) An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to the passengers as a cabin crew member.

comment 1737

comment by: *Jill Pelan*

**OPS 210 CC**

(2) **such uniform is compatible** with the safety functions of cabin crew and is clearly identifiable to the passengers.

**CFDT France comment : What is compatible ? Does this mean the height of shoe heels, type of skirts,Trousers.... ?This must be clearly explained otherwise it cannot be legally binding.**

**What is "clearly identifiable to the passengers " - does this mean that a badge or minor article of clothing would be suitable? THE CFDT FRANCE UNION asks for more clarity in this provision.**

Comment to (b): It is vital for passengers that they in an emergency situation easily can **identify cabin crew by the operator's uniform.**

comment 1794

comment by: *ETF*

Comment to (b): It is vital for passengers that they in an emergency situation easily can identify cabin crew by the operator's uniform.

comment 1845

comment by: *Boeing*

**NPA 2009-02c, Part OR (Subpart OPS)**

OR.OPS.210.CC, Conditions for assignment to duties  
 Para (b)(1)  
 Page 21 of 136

**BOEING COMMENT:**

By specifying that all *and only* the cabin crew members assigned to duties on a flight may wear the operator's cabin crew uniform, there appears to be no possibility for deadheading crew to fly as a passenger on their own carrier while in uniform. Additionally, businessmen wearing a suit and tie resembling the operator's uniform, or crewmembers not on duty but in uniform, might have to be denied boarding.

We suggest this paragraph be deleted.

**JUSTIFICATION:** There is no safety case to justify this requirement. Additionally, there is no description of a "uniform."

comment 1900

comment by: *Walter Gessky*

**OR.OPS.210.CC Conditions for assignment to duties**

(a) The operator shall:

(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC **and have completed the additional training according Part CC.**

Justification:

The attestation is only an attest that initial safety was obtained. It is the responsibility of the operator that the additional training (conversion and differences, familiarization, recurrent) is completed.

Attestation and additional training are basis for assignment to duties.

comment 1913

comment by: *FSC - CCOO*

Add:

(a)

(2) and having undergone aircraft type training in accordance to **OR.OPS.125.CC** for the aircraft assigned to.

Reason: **OR.OPS.125.CC (a ) (1 )** establishes a condition for the *first* assignment; the condition for assignment would be incomplete if it fails to enumerate the required type training.

comment 1914

comment by: *FSC - CCOO*

Comment: (b) Supported.

Reason: It is vital for passengers that they in an emergency situation easily can identify cabin crew by the operator's uniform.

comment 1980

comment by: *kapers Cabin Crew Union*

Comment to (b): It is vital for passengers that they in an emergency situation easily can identify cabin crew by the operator's uniform.

comment 1999

comment by: *Elaine Allan Monarch*

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21

Ref No.  
NPA 2009 - 2c OR OPS 210.CC

Summary of EASA Proposed Requirement:

all and only the cabin crewmembers assigned to duties on a flight wear the operator's Cabin Crew uniform

Comment:

Wording has been simplified but increases operation restrictions

Justification:

There is no facilities for positioning crew on company aircraft where immigration regulations require that crew enter a country in uniform.

Proposed Text (if applicable)

Replace b) (1) with: ***Other personnel, such as medical staff, security staff, child minders, escorts, technical staff etc, who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as a cabin crew member unless they comply with the requirements of this subpart and any other applicable requirements of this regulation***

comment

2000

comment by: Elaine Allan Monarch

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21

Ref No.  
NPA 2009 - 2c OR OPS 210.CC

Summary of EASA Proposed Requirement:

The operator shall ensure that: all and **only** the Cabin Crew members assigned to duties on a flight wear the operator's Cabin Crew uniform

Comment:

Restricts the operators from positioning crew on their own aircraft. Positioning crew would not be able to assist in the event of crew illness in flight.

Justification:

The wording of this rule is operationally restrictive when positioning crew on company aircraft. Should a crewmember be wearing uniform when not operating they would be expected to assist the operating crew in the event of an emergency situation, therefore they would be identifiable as crew to passengers.

Proposed Text (if applicable)

Replace b) (1) with: ***Other personnel, such as medical staff, security staff, child minders, escorts, technical staff etc, who undertake tasks in the cabin, shall not wear a uniform which might identify them to passengers as a cabin crew member unless they comply with the requirements of this subpart and any other applicable requirements of this regulation***

comment

2108

comment by: AUSTRIAN Airlines

**Relevant Text:**

(b) The operator shall also ensure that:

- (1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and
- (2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

The requirement to make the CC identifiable is already adequately covered in OR.OPS.110.CC (B). As written, the requirement (that only cabin crew assigned to duties on a flight wear the operator's cabin crew uniform) is not in line with EU-OPS Subpart O and it would create major problems for positioning flights of cabin crew who wear the operator's uniform. This proposal is therefore completely unacceptable to AUSTRIAN.

AUSTRIAN also notes that this proposal for hard-law which is a major deviation from EU-OPS, - which has no safety justification -, is also not in line with EASA's performance based rulemaking concept.

**Proposal:**

Delete (b) and realign with EU-OPS

comment

2109

comment by: AUSTRIAN Airlines

**Relevant Text:**

(a) The operator shall:

- (1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

**Comment:**

Assigning supplemental cabin crew, not having a attestation, should also be possible. Like service specific cabin crew.

**Proposal:**

(a) The operator shall:

- (1) assign for **safety** duties only cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

comment

2110

comment by: AUSTRIAN Airlines

**Relevant Text:**

(b) The operator shall also ensure that:

- (1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and
- (2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

Supplemental Cabin crew not holding an attestation should also be able to wear a cabin crew uniform;

Also; this does preclude non working crew in uniform on board of an aircraft, even if they are normal booked pax.

**Proposal:** Delete "and only"

(b) The operator shall also ensure that:

- (1) all the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and
- (2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

comment

2321

comment by: *Virgin Atlantic Airways***Relevant Text:**

"(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned duties on a flight wear the operator's cabin crew uniform; and"

**Comment:**

1. Restricts the operator from positioning their cabin crew in uniform on their own aircraft.

2. What would happen in the event of cabin crew illness inflight where they no longer have assigned duties?

**Proposed Text:**

Suggest there should be a **GM** to this rule stating:

1. "A cabin crew member who becomes incapacitated in-flight may continue to wear the operator's cabin crew uniform for the flight.

2. "Cabin crew may position in the operator's uniform if type-qualified on the operator's aircraft."

comment

2414

comment by: *KLM***Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

The requirement to make the CC identifiable is already adequately covered in OR.OPS.110.CC (B). As written, the requirement (that only cabin crew assigned to duties on a flight wear the operator's cabin crew uniform) is not in line with EU-OPS Subpart O and it would create major problems for positioning flights of cabin crew who wear the operator's uniform. This proposal is therefore completely unacceptable to AEA.

The AEA also notes that this proposal for hard-law which is a major deviation from EU-OPS, - which has no safety justification -, is also not in line with EASA's performance based rulemaking concept.

**Proposal:**

Delete (b) and realign with EU-OPS

comment

2415

comment by: *KLM***Relevant Text:**

(a) The operator shall:

(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

**Comment:**

Assigning supplemental cabin crew, not having a attestation, should also be possible. Like service specific cabin crew.

**Proposal:**

(a) The operator shall:

(1) assign for **safety** duties only cabin crew members holding a cabin crew

attestation issued in accordance with PartCC.

comment

2416

comment by: KLM

**Relevant Text:**

(b) The operator shall also ensure that:

- (1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and
- (2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

Supplemental Cabin crew not holding an attestation should also be able to wear a cabin crew uniform;

Also; this does preclude non working crew in uniform on board of an aircraft, even if they are normal booked pax.

**Proposal:** Delete "and only"

(b) The operator shall also ensure that:

- (1) all the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and
- (2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers

comment

2495

comment by: M Wilson-NetJets

**Original text:**

(a) The operator shall:

(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

(b) The operator shall also ensure that:

- (1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and
- (2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Suggested new text:**

(a) The operator shall:

(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

(b) The operator shall also ensure that:

- (1) **all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform unless for aeroplanes with a MPSC of 19 or less and only one crew member on board not assigned cabin crew duties may wear the company cabin crew uniform if it is clearly communicated to the passengers that he/she does not perform any safety related items other than a normal y expected from a passenger;** and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment/suggestion:**

For aeroplanes with an MPSC of 19 or less do not require Cabin Crew to be on board or to perform safety onboard. Operators should be provided to have the

flexibility to allow Cabin Crew to act in a capacity other than that required for the safety of the passengers on aeroplanes with an MPSC of 19 or less without having to provide separate uniforms. This will significantly increase the operating cost for such an operator. The main objective for this provision is to guarantee the safety of the passengers during a emergency situation so that the Cabin Crew, who is responsible for their safety is readily recognizable and a non-Cabin Crew member is not mistakenly identified as a Cabin Crew. During an operation with only cabin one representative there is no danger in mistakenly identifying this representative as a cabin crew because there is only one representative as such.

comment

2575

comment by: *British Airways Flight Operations***Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly

identifiable to the passengers.

**Comment:**

The requirement to make the cabin crew identifiable is already adequately covered in OR.OPS.110.CC (B). As written, the requirement that only cabin crew assigned to duties on a flight wear the operator's cabin crew uniform differs from EU-OPS Subpart O and would create major problems for positioning flights of cabin crew who wear the operator's uniform – either on duty or as fare-paying passengers. This proposal is therefore completely unacceptable to British Airways.

**Proposal:**

Delete (b) and realign with EU-OPS

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2587

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly

identifiable to the passengers.

**Comment:**

The requirement to make the CC identifiable is already adequately covered in OR.OPS.110.CC (B). As written, the requirement (that only cabin crew assigned to duties on a flight wear the operator's cabin crew uniform) is not in line with EU-OPS Subpart O and it would create major problems for positioning flights of cabin crew who wear the operator's uniform. This proposal is therefore completely unacceptable to Lufthansa.

Lufthansa also notes that this proposal for hard-law which is a major deviation from EU-OPS, - which has no safety justification -, is also not in line with EASA's performance based rulemaking concept.

**Proposal:**

Delete (b) and realign with EU-OPS

comment 2588 comment by: Deutsche Lufthansa AG

**Relevant Text:**

(a) The operator shall:

(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

**Comment:**

Assigning supplemental cabin crew, not having a attestation, should also be possible. Like service specific cabin crew.

**Proposal:**

(a) The operator shall:

(1) assign for **safety** duties only cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

comment 2589 comment by: Deutsche Lufthansa AG

**Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

Supplemental Cabin crew not holding an attestation should also be able to wear a cabin crew uniform;

Also; this does preclude non working crew in uniform on board of an aircraft, even if they are normal booked pax.

**Proposal:** Delete "and only"

(b) The operator shall also ensure that:

(1) all the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

comment 2858 comment by: Civil Aviation Authority of Norway

Comment to (b)(1);

This paragraph should be moderated in order to allow off-duty cabin crew members to be carried as passengers. In an emergency situation, it is not likely that off-duty cabin crew members in uniform would impede an effective evacuation of the aircraft.

comment 2944 comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

The requirement to make the CC identifiable is already adequately covered in OR.OPS.110.CC (B). As written, the requirement (that only cabin crew assigned to duties on a flight wear the operator's cabin crew uniform)is not in

line with EU-OPS Subpart O and it would create major problems for positioning flights of cabin crew who wear the operator's uniform. This proposal is therefore completely unacceptable to AEA.

The AEA also notes that this proposal for hard-law which is a major deviation from EU-OPS, - which has no safety justification -, is also not in line with EASA's performance based rulemaking concept.

**Proposal:**

Delete (b) and realign with EU-OPS

comment

2945

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(a) The operator shall:

(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

**Comment:**

Assigning supplemental cabin crew, not having a attestation, should also be possible. Like service specific cabin crew.

**Proposal:**

(a) The operator shall:

(1) assign for **safety** duties only cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

comment

2946

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(b) The operator shall also ensure that:

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

**Comment:**

Supplemental Cabin crew not holding an attestation should also be able to wear a cabin crew uniform;

Also; this does preclude non working crew in uniform on board of an aircraft, even if they are normal booked pax.

**Proposal:** Delete "and only"

(b) The operator shall also ensure that:

(1) all the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and

(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.

comment

3267

comment by: *cfdt france*

**OPS 210 CC**

(2) such uniform is compatible with the safety functions of cabin crew and is clearly

identifiable to the passengers.

*CFDT France comment : What is compatible ? Does this mean the height of shoe heels, type of skirts,Trousers.... ?This must be clearly explained otherwise it cannot be legally binding.*

*What is "clearly identifiable to the passengers " - does this mean that a badge or minor article of clothing would be suitable?*

**THE CFDT FRANCE UNION asks for more clarity in this provision.**

Comment to (b): It is vital for passengers that they in an emergency situation easily can **identify cabin crew by the operator's uniform.**

comment

3490

comment by: IATA

**(b) The operator shall also ensure that:**  
**(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform;**

**2. There is no safety reason apparent why crew members flying "dead head" should not wear the uniform. On the contrary they are recognisable and could be of helpful if necessary.**

**(a) The operator shall:**

**(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.**

**Comment:**

**Assigning supplemental cabin crew, not having a attestation, should also be possible. (E.g. service specific cabin crew).**

**Proposal:**

**(a) The operator shall:**

**(1) for safety duties only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.**

**Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.**

**Comment:**

**The list is an addition to E U-OPS and an administrative burden. Recency and proficiency are an operators responsibility and records are kept digital most of the time.**

**Proposal:**

**Delete OR.OPS.215.CC 0**

comment

3618

comment by: AIR FRANCE

Relevant Text:

**(b) The operator shall also ensure that:**

**(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform; and**

**(2) such uniform is compatible with the safety functions of cabin crew and is clearly identifiable to the passengers.**

Comment:

The requirement to make the CC identifiable is already adequately covered in OR.OPS.110.CC (B). As written, the requirement (that only cabin crew assigned to duties on a flight wear the operator's cabin crew uniform) is not in line with EU-OPS Subpart O and it would create major problems for positioning

flights of cabin crew who wear the operator's uniform or in the case of OR.OPS.140CC when a cabin crew has to perform his/her 2 refresher legs. Distinctive signs and announcement to passenger adequately provide a way to comply with the distinction requirement.

The compatibility of the uniform is not easy to accurately define, therefore, it is proposed to move this paragraph into a GM.

Proposal:

Delete (b) (1), transfer (b) (2) into a Guidance Material

comment 3619

comment by: AIR FRANCE

Relevant

Text:

(a) The operator shall:

(1) only assign cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

Comment:

The regulation deals with safety, thus this paragraph should only refer to safety duties which are dealt with by the regulation.

Proposal:

(a) The operator shall:

(1) only assign to safety duties only cabin crew members holding a cabin crew attestation issued in accordance with PartCC.

comment 3640

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Comment**

As stated in EU-OPS, Subpart O, 1.989, other people, as for example: re-training or positioning flights, may be on board for duties other than safety. Moreover the requirement that only cabin crew assigned to safety duties on a flight wear the operator's cabin crew uniform is also not in on line with EU-OPS and this would create major problems within airlines. Signs as pins or badges and announcements are sufficient to comply with the distinction requirement.

comment 3771

comment by: Frank Ciupka

**Question:**

Why should a dead head crew fly in uniform on board of a foreign airline but not on board of the own company?

For passengers it's impossible to differentiate the company by uniform.

**Proposal:**

Delete **OR.OPS.210.CC** (b)(1) completely

comment 3971

comment by: CUD

Add:

(a)

(2) and having undergone aircraft type training in accordance to **OR.OPS.125.CC** for the aircraft assigned to.

Reason: **OR.OPS.125.CC (a ) (1 )** establishes a condition for the *first* assignment; the condition for assignment would be incomplete if it fails to enumerate the required type training.

comment 3972 comment by: CUD

Comment: (b) Supported.

Reason: It is vital for passengers that they in an emergency situation easily can identify cabin crew by the operator's uniform.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 2 -  
OR.OPS.215.CC Training courses and associated checking**

p. 21

comment 432 comment by: CAA-NL

Comment regarding:  
Following the successful completion of a training course and associated checking, the operator (..../...)

Comment CAA-NL:  
For the CAA-NL it will not be necessary to provide an updated list showing the validity of all training. This will create a lot of non essential paperwork for operators

comment 615 comment by: claire.amos

Clarification required: Is an electronic version of this acceptable? If not, there will be a significant cost impact: one additional administration head required to carry out this function.  
Question: What is the value of this list if we have a department within the company who can provide this information to individuals?

comment 758 comment by: claire.amos

Clarification required. Can this record be electronic? easyjet currently record these electronically. Should paper records be required this would be a backwards step for easyJet for no evident benefit.

comment 875 comment by: AEA

**Relevant Text:**  
Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**  
This requirement is not in line with the training record keeping requirement of Subpart O of EU-OPS. This would be a huge administrative burden as updating would not be feasible, as after every-flight, the qualification would have to be extended for (6 months) the applicable period. The Basic Regulation refers to OPS 1.1005. Therefore the proposals should be realigned with EU-OPS.

**Proposal:**  
Whenever an attestation has been renewed the records should be updated.  
Use the text of EU OPS.1.1035 (3) and (4). An operator shall:  
(3) keep the training records and records of medical examinations or

*assessments up to date, showing in the case of the training records the dates and contents of the conversion, differences and recurrent training received and (4) make the records of all initial, conversion and recurrent training and checking available, on request, to the cabin crew member concerned*

comment 1050

comment by: AEA

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

Article was not in EU-OPS. A list as mentioned in the article is unfeasible and an administrative burden. Recency and proficiency are an operators responsibility and records are kept digital most of the time.

**Proposal:**

Delete complete article.

comment 1277

comment by: UK CAA

**Page No:** 21**Paragraph No:**

OR.OPS.215.CC

**Comment:**

New requirement has been introduced for the cabin crew to be issued with an updated list showing validity of periods of training of aircraft types.

**Justification:**

There is no justification for this additional documentation in the Explanatory Note nor will it produce any safety benefit. There is no template therefore every operator will have a different format creating further non-standardisation. It will incur cost to operators for no benefit.

**Proposed Text (if applicable):** Remove OR.OPS.215.CC

comment 1589

comment by: TAP Portugal

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

This requirement is not in line with the training record keeping requirement of Subpart O of EU-OPS. This would be a huge administrative burden as updating would not be feasible, as after every-flight, the qualification would have to be extended for (6 months) the applicable period. The Basic Regulation refers to OPS 1.1005. Therefore the proposals should be realigned with EU-OPS.

**Proposal:**

Whenever an attestation has been renewed the records should be updated. Use the text of EU OPS.1.1035 (3) and (4). An operator shall:

(3) keep the training records and records of medical examinations or assessments up to date, showing in the case of the training records the dates and contents of the conversion, differences and recurrent training received and  
 (4) make the records of all initial, conversion and recurrent training and checking available, on request, to the cabin crew member concerned

comment 1590

comment by: TAP Portugal

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

Article was not in EU-OPS. A list as mentioned in the article is unfeasible and an administrative burden. Recency and proficiency are an operators responsibility and records are kept digital most of the time.

**Proposal:**

Delete complete article.

comment 1714

comment by: Thomas Cook Airlines

## Justification:

This information is maintained by the rostersing systems of most operators, this rule adds an additional administrative function to operator for no safety benefit

## Proposal:

Remove OR OPS 215.CC

comment 2004

comment by: Elaine Allan Monarch

Page No.

21

Ref No.

NPA 2009 - 2c OR OPS 215.CC

## Summary of EASA Proposed Requirement:

An operator must provide a crew member with a list of aircraft types/variants they are trained on which includes detail of the validity period of the training.

## Comment:

This requirement increases administrative duties to the operator

## Justification:

This information is maintained by the crewing/rostersing systems of most operators.

Proposed Text (if applicable)

Remove OR OPS 215.CC

comment 2111

comment by: AUSTRIAN Airlines

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

This requirement is not in line with the training record keeping requirement of Subpart O of EU-OPS. This would be a huge administrative burden as updating would not be feasible, as after every-flight, the qualification would have to be extended for (6 months) the applicable period. The Basic Regulation refers to OPS 1.1005. Therefore the proposals should be realigned with EU-OPS.

**Proposal:**

Whenever an attestation has been renewed the records should be updated.

Use the text of EU OPS.1.1035 (3) and (4). An operator shall:

*(3) keep the training records and records of medical examinations or assessments up to date, showing in the case of the training records the dates and contents of the conversion, differences and recurrent training received and*

*(4) make the records of all initial, conversion and recurrent training and checking available, on request, to the cabin crew member concerned*

comment

2112

comment by: AUSTRIAN Airlines

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

Article was not in EU-OPS. A list as mentioned in the article is unfeasible and an administrative burden. Recency and proficiency are an operators responsibility and records are kept digital most of the time.

**Proposal:**

Delete complete article.

comment

2417

comment by: KLM

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

This requirement is not in line with the training record keeping requirement of Subpart O of EU-OPS. This would be a huge administrative burden as updating would not be feasible, as after every-flight, the qualification would have to be extended for (6 months) the applicable period. The Basic Regulation refers to OPS 1.1005. Therefore the proposals should be realigned with EU-OPS.

**Proposal:**

Whenever an attestation has been renewed the records should be updated.

Use the text of EU OPS.1.1035 (3) and (4). An operator shall:

*(3) keep the training records and records of medical examinations or assessments up to date, showing in the case of the training records the dates and contents of the conversion, differences and recurrent training received and*

*(4) make the records of all initial, conversion and recurrent training and*

*checking available, on request, to the cabin crew member concerned*

comment 2419

comment by: KLM

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

Article was not in EU-OPS. A list as mentioned in the article is unfeasible and an administrative burden. Recency and proficiency are an operators responsibility and records are kept digital most of the time.

**Proposal:**

Delete complete article

comment 2590

comment by: Deutsche Lufthansa AG

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

This requirement is not in line with the training record keeping requirement of Subpart O of EU-OPS. This would be a huge administrative burden as updating would not be feasible, as after every-flight, the qualification would have to be extended for (6 months) the applicable period. The Basic Regulation refers to OPS 1.1005. Therefore the proposals should be realigned with EU-OPS.

**Proposal:**

Whenever an attestation has been renewed the records should be updated.

Use the text of EU OPS.1.1035 (3) and (4). An operator shall:

*(3) keep the training records and records of medical examinations or assessments up to date, showing in the case of the training records the dates and contents of the conversion, differences and recurrent training received and*  
*(4) make the records of all initial, conversion and recurrent training and checking available, on request, to the cabin crew member concerned*

comment 2591

comment by: Deutsche Lufthansa AG

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

Article was not in EU-OPS. A list as mentioned in the article is unfeasible and an administrative burden. Recency and proficiency are an operators responsibility and records are kept digital most of the time.

**Proposal:**

Delete complete article.

comment 2947

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

This requirement is not in line with the training record keeping requirement of Subpart O of EU-OPS. This would be a huge administrative burden as updating would not be feasible, as after every-flight, the qualification would have to be extended for (6 months) the applicable period. The Basic Regulation refers to OPS 1.1005. Therefore the proposals should be realigned with EU-OPS.

**Proposal:**

Whenever an attestation has been renewed the records should be updated. Use the text of EU OPS.1.1035 (3) and (4). An operator shall:

*(3) keep the training records and records of medical examinations or assessments up to date, showing in the case of the training records the dates and contents of the conversion, differences and recurrent training received and*  
*(4) make the records of all initial, conversion and recurrent training and checking available, on request, to the cabin crew member concerned*

comment 2949

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

Following the successful completion of a training course and associated checking, the operator shall provide each cabin crew member with an updated list showing the validity period of the related training and checking of the aircraft type(s) and variant(s) on which the cabin crew member is proficient.

**Comment:**

Article was not in EU-OPS. A list as mentioned in the article is unfeasible and an administrative burden. Recency and proficiency are an operators responsibility and records are kept digital most of the time.

**Proposal:**

Delete complete article.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 2 -  
 OR.OPS.250.CC Operation on more than one aircraft type or variant**

p. 22

comment 876

comment by: AEA

**Relevant Text:**

(a) Aircraft types and variants for cabin crew shall be:

(1) The types and variants determined in accordance with the applicable requirements of Part-21; and

(2) In the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in location and type of portable safety equipment and in the emergency procedures.

**Comment:**

There is no legal basis for linking those cabin crew related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical as type and variants for the purposes of flight crew. Therefore this should be left as an operator requirement taking into account the fact that OEMs cannot define the type and

variant for cabin crew which are the result of types of existing and the location and type of safety equipment.

We therefore urge EASA to align its requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. Refer to EU OPS 1.1030 text

(a) *An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:*

(1) *Non-type specific normal and emergency procedures are identical and*  
 (2) *Safety equipment and type specific normal and emergency procedures are similar*

(b) *For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects*

(1) *Emergency exit operation;*  
 (2) *Location and type of portable safety equipment and*  
 (3) *Type specific emergency procedures*

comment 878

comment by: AEA

**Relevant Text:**

(a) (2) in the additional case of a cabin configuration specific to the operator,

**Comment:**

This wording is very confusing, majority of operators operate with a configuration specific to them (different to manufacturer's configuration)

**Proposal:**

Revert back to EU-OPS see previous comment

comment 1051

comment by: AEA

**Relevant Text:**

(1) the types and variants determined in accordance with the applicable requirements of Part-21; and

**Comment:**

"(a)(1)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type.

**Proposal:**

Delete (a)(1)

comment 1278

comment by: UK CAA

**Page No:** 22

**Paragraph No:**

OR.OPS.250.CC - (a) (1)

**Comment:** Refers to Part 21 requirement for cabin crew types and variants.

**Justification:** It is not explained how this will apply when the consideration of

type or variant for cabin crew has not been established in all aircraft types? There is no process at present for this to be conducted retrospectively. Clarification is required.

comment

1298

comment by: ETF

Add: (2) in the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in the location and type of portable safety equipment, **emergency exit operation** and in the emergency procedures.

Reason: A completely different door design for opening or completely different emergency handle should be defined a different variant. This was included in OPS 1.1030.

comment

1381

comment by: Austro Control GmbH

(a) (2):  
at the end of the paragraph add following wording:  
"*...and in the emergency exit operation*".

Justification:

EU-OPS has foreseen this requirement, which states a high safety level in the cabin in case of emergency. The cabin crew member has to know exactly how to open the doors, what is not always the case as practical experiences show.

comment

1591

comment by: TAP Portugal

**Relevant Text:**

(a) Aircraft types and variants for cabin crew shall be:

(1) The types and variants determined in accordance with the applicable requirements of Part-21; and

(2) In the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in location and type of portable safety equipment and in the emergency procedures.

**Comment:**

There is no legal basis for linking those cabin crew related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical as type and variants for the purposes of flight crew. Therefore this should be left as an operator requirement taking into account the fact that OEMs cannot define the type and variant for cabin crew which are the result of types of existing and the location and type of safety equipment.

We therefore urge EASA to align its requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. Refer to EU OPS 1.1030 text

(a) *An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:*

(1) *Non-type specific normal and emergency procedures are identical and*

(2) *Safety equipment and type specific normal and emergency procedures*

are similar

(b) For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects

- (1) Emergency exit operation;
- (2) Location and type of portable safety equipment and
- (3) Type specific emergency procedures

comment 1592

comment by: TAP Portugal

**Relevant Text:**

(a) (2) in the additional case of a cabin configuration specific to the operator,

**Comment:**

This wording is very confusing, majority of operators operate with a configuration specific to them (different to manufacturer's configuration)

**Proposal:**

Revert back to EU-OPS see previous comment

comment 1597

comment by: TAP Portugal

**Relevant Text:**

(1) the types and variants determined in accordance with the applicable requirements of Part-21; and

**Comment:**

"(a)(1)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type.

**Proposal:**

Delete (a)(1)

comment 1765

comment by: Airbus

OR.OPS.250.CC Operation on more than one aircraft type or variant

(a) Aircraft types and variants for cabin crew shall be:

(1) the types and variants determined in accordance with the applicable requirements of Part21;

**Comment:** Based on the proposal for an OSC (NPA 2009-01), the above underlined text should be adjusted so that the link with the Operational Suitability Certificate is clearer

**Proposal:** OR.OPS.250.CC (a)(1) to read:

".. the types and variants as defined in the relevant Operational Suitability Certificate issued in accordance with Part 21.

comment 1915

comment by: FSC - CCOO

Add: (2) in the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in the location and type of portable safety equipment, **emergency exit operation** and in the emergency procedures.

Reason: A completely different door design for opening or completely different emergency handle should be defined a different variant. This was included in OPS 1.1030.

comment

1981

comment by: *kapers Cabin Crew Union*

Add: (2) in the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in the location and type of portable safety equipment, **emergency exit operation** and in the emergency procedures.

Reason: A completely different door design for opening or completely different emergency handle should be defined a different variant. This was included in OPS 1.1030.

comment

2005

comment by: *Elaine Allan Monarch*

Page No.  
22

Ref No.  
NPA 2009 - 2c OR OPS 250.CC (a) (1)

Summary of EASA Proposed Requirement:

Aircraft types and variants for Cabin Crew shall be: (1)the types or variants determined in accordance with the applicable requirements of Part 21; and

Comment:

Part 21 doesn't exist for all current aircraft types

Justification:

What information would be referred to if Part 21 does not include the aircraft type, further clarification required in the rule material

Proposed Text (if applicable)

comment

2113

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(a) Aircraft types and variants for cabin crew shall be:

(1) The types and variants determined in accordance with the applicable requirements of Part-21; and

(2) In the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in location and type of portable safety equipment and in the emergency procedures.

**Comment:**

There is no legal basis for linking those cabin crew related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical as type and variants for the purposes of flight crew. Therefore this should be left as an operator requirement taking into account the fact that OEMs cannot define the type and variant for cabin crew which are the result of types of existing and the location and type of safety equipment.

We therefore urge EASA to align its requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. Refer to EU OPS 1.1030 text

(a) *An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:*

(1) *Non-type specific normal and emergency procedures are identical and*  
 (2) *Safety equipment and type specific normal and emergency procedures are similar*

(b) *For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects*

(1) *Emergency exit operation;*  
 (2) *Location and type of portable safety equipment and*  
 (3) *Type specific emergency procedures*

comment

2114

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(a) (2) in the additional case of a cabin configuration specific to the operator,

**Comment:**

This wording is very confusing, majority of operators operate with a configuration specific to them (different to manufacturer's configuration)

**Proposal:**

Revert back to EU-OPS see previous comment

comment

2115

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(1) the types and variants determined in accordance with the applicable requirements of Part-21; and

**Comment:**

"(a)(1)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type.

**Proposal:**

Delete (a)(1)

comment

2420

comment by: *KLM*

**Relevant Text:**

(a) Aircraft types and variants for cabin crew shall be:

(1) The types and variants determined in accordance with the applicable requirements of Part-21; and

(2) In the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in location and type of portable safety equipment and in the emergency procedures.

**Comment:**

There is no legal basis for linking those cabin crew related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical as type and variants for the

purposes of flight crew. Therefore this should be left as an operator requirement taking into account the fact that OEMs cannot define the type and variant for cabin crew which are the result of types of existing and the location and type of safety equipment.

We therefore urge EASA to align its requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. Refer to EU OPS 1.1030 text

(a) *An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:*

(1) *Non-type specific normal and emergency procedures are identical and*  
 (2) *Safety equipment and type specific normal and emergency procedures are similar*

(b) *For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects*

(1) *Emergency exit operation;*  
 (2) *Location and type of portable safety equipment and*  
 (3) *Type specific emergency procedures*

comment 2421

comment by: KLM

**Relevant Text:**

(a) (2) in the additional case of a cabin configuration specific to the operator,

**Comment:**

This wording is very confusing, majority of operators operate with a configuration specific to them (different to manufacturer's configuration)

**Proposal:**

Revert back to EU-OPS see previous comment

comment 2422

comment by: KLM

**Relevant Text:**

(1) the types and variants determined in accordance with the applicable requirements of Part-21; and

**Comment:**

"(a)(1)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type.

**Proposal:**

Delete (a)(1)

comment 2497

comment by: M Wilson-NetJets

**Original text:**

(a) Aircraft types and variants for cabin crew shall be:

(1) the types and variants determined in accordance with the applicable requirements of Part21;

and

(2) in the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for

cabin crew when not **similar** in the location and type of portable safety equipment and in the emergency procedures.

(b) A cabin crew member shall not be assigned to duties on more than 3 aircraft types determined in accordance with (a), except that the cabin crew member may be assigned on 4 aircraft types if for at least 2 of the types:

- (1) safety equipment and type specific normal and emergency procedures are similar; and
- (2) nontypespecific normal and emergency procedures are identical.

**Suggested new text:**

No suggested text

**Comment/suggestion:**

"Similar" can be interpreted in many ways.

comment 2592

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(a) Aircraft types and variants for cabin crew shall be:

- (1) The types and variants determined in accordance with the applicable requirements of Part-21; and
- (2) In the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in location and type of portable safety equipment and in the emergency procedures.

**Comment:**

There is no legal basis for linking those cabin crew related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical as type and variants for the purposes of flight crew. Therefore this should be left as an operator requirement taking into account the fact that OEMs cannot define the type and variant for cabin crew which are the result of types of existing and the location and type of safety equipment.

We therefore urge EASA to align its requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. Refer to EU OPS 1.1030 text

*(a) An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:*

- (1) Non-type specific normal and emergency procedures are identical and*
- (2) Safety equipment and type specific normal and emergency procedures are similar*

*(b) For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects*

- (1) Emergency exit operation;*
- (2) Location and type of portable safety equipment and*
- (3) Type specific emergency procedures*

comment 2593

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(a) (2) in the additional case of a cabin configuration specific to the operator,

**Comment:**

This wording is very confusing, majority of operators operate with a configuration specific to them (different to manufacturer's configuration)

**Proposal:**

Revert back to EU-OPS, see previous comment

comment

2594

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(1) the types and variants determined in accordance with the applicable requirements of Part-21; and

**Comment:**

"(a)(1)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type.

**Proposal:**

Delete (a)(1)

comment

2595

comment by: *British Airways Flight Operations***Relevant Text:**

(a) Aircraft types and variants for cabin crew shall be:

(1) The types and variants determined in accordance with the applicable requirements of Part-21; and

(2) In the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in location and type of portable safety equipment and in the emergency procedures.

**Comment:**

There is no legal basis for linking the cabin crew-related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical to type and variants for the purposes of flight crew. Therefore this issue should be left to operators, to determine requirements taking into account the fact that OEMs cannot define the types and variants for cabin crew which are usually the result of types of existing legislation and the location and type of safety equipment.

We therefore urge EASA to align its requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. The following text, from EU OPS 1.1030 should be used:

(a) *An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:*

(1) *Non-type specific normal and emergency procedures are identical and*

(2) *Safety equipment and type specific normal and emergency procedures are similar*

(b) *For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects*

(1) *Emergency exit operation;*

(2) *Location and type of portable safety equipment and*

(3) *Type specific emergency procedures*

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2951

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(a) Aircraft types and variants for cabin crew shall be:

(1) The types and variants determined in accordance with the applicable requirements of Part-21; and

(2) In the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in location and type of portable safety equipment and in the emergency procedures.

**Comment:**

There is no legal basis for linking those cabin crew related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical as type and variants for the purposes of flight crew. Therefore this should be left as an operator requirement taking into account the fact that OEMs cannot define the type and variant for cabin crew which are the result of types of existing and the location and type of safety equipment.

We therefore urge EASA to align its requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. Refer to EU OPS 1.1030 text

(a) *An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:*

(1) *Non-type specific normal and emergency procedures are identical and*

(2) *Safety equipment and type specific normal and emergency procedures are similar*

(b) *For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects*

(1) *Emergency exit operation;*

(2) *Location and type of portable safety equipment and*

(3) *Type specific emergency procedures*

comment

2952

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(a) (2) in the additional case of a cabin configuration specific to the operator,

**Comment:**

This wording is very confusing, majority of operators operate with a configuration specific to them (different to manufacturer's configuration)

**Proposal:**

Revert back to EU-OPS see previous comment

comment

2953

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(1) the types and variants determined in accordance with the applicable requirements of Part-21; and

**Comment:**

"(a)(1)" was not in EU-OPS. Operator has no influence on Part-21, especially variants of 1 type.

**Proposal:**

Delete (a)(1)

comment 3620

comment by: AIR FRANCE

**Comment:**

There is no legal basis for linking those cabin crew related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical as type and variants for the purposes of flight crew. Therefore this should be left as an operator requirement taking into account the fact that OEMs cannot define the type and variant for cabin crew which are the result of types of existing and the location and type of safety equipment.

We therefore propose to align this requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. Refer to EU OPS 1.1030 text

(a) An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:

(1) Non-type specific normal and emergency procedures are identical and

(2) Safety equipment and type specific normal and emergency procedures are similar

(b) For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects

(1) Emergency exit operation;

(2) Location and type of portable safety equipment and

(3) Type specific emergency procedures

comment 3637

comment by: AIR FRANCE

(a) (2) in the additional case of a cabin configuration specific to the operator,

**Comment:**

This wording is very confusing, majority of operators operate with a configuration specific to them (different to manufacturer's configuration)

**Proposal:**

Revert back to EU-OPS see previous comment

comment 3756

comment by: Icelandair

**Relevant Text:**

(a) Aircraft types and variants for cabin crew shall be:

(1) The types and variants determined in accordance with the applicable requirements of Part-21; and

(2) In the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for

cabin crew when not similar in location and type of portable safety equipment and in the emergency procedures.

**Comment:**

There is no legal basis for linking those cabin crew related requirements to Part-21 (Operational Suitability Certificates). In addition, type and variants for the purpose of cabin crew are not identical as type and variants for the purposes of flight crew. Therefore this should be left as an operator requirement taking into account the fact that OEMs cannot define the type and variant for cabin crew which are the result of types of existing and the location and type of safety equipment.

We therefore urge EASA to align its requirement with EU-OPS 1.1030 (Operation on more than one type or variant).

**Proposal:**

Reference to Part 21 for the purpose of CC should be deleted. Refer to EU OPS 1.1030 text

(a) *An operator shall ensure that each cabin crew member does not operate more than three aeroplane types except that, with the approval of the Authority, the cabin crew member may operate four aeroplane types, provided that for at least two of the types:*

- (1) *Non-type specific normal and emergency procedures are identical and*
- (2) *Safety equipment and type specific normal and emergency procedures are similar*

(b) *For the purposes of subparagraph (a), variants of an aeroplane type are considered to be different types if they are not similar in all the following aspects*

- (1) *Emergency exit operation;*
- (2) *Location and type of portable safety equipment and*
- (3) *Type specific emergency procedures*

comment

3973

comment by: CUD

Add: (2) in the additional case of a cabin configuration specific to the operator, the related variant of an aircraft type shall be determined as a different type for cabin crew when not similar in the location and type of portable safety equipment, **emergency exit operation** and in the emergency procedures.

Reason: A completely different door design for opening or completely different emergency handle should be defined a different variant. This was included in OPS 1.1030.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 2 - OR.OPS.255.CC Single cabin crew member operations**

p. 22

comment

433

comment by: CAA-NL

Comment CAA-NL:

Training requirement use of documentation is missing as stated in ops 1.1002

comment

1279

comment by: UK CAA

**Page No:** 22

**Paragraph No:**

OR.OPS.255.CC - (b)

**Comment:**

Text has been rearranged so that all single cabin crew require enhanced training and not just those that do not have comparable experience.

**Justification:**

Creates increased training burden for operators and associated cost, with no justification on grounds of safety or standardisation.

**Proposed Text (if applicable):**

(b) Cabin crew members who do not have previous comparable experience shall only be assigned to single cabin crew member operations after they:

comment

1303

comment by: *ETF*

New: (c) **6**  
**documentation**

Reason: It is important that landing and entrance papers are taught to single cabin crew members. Missing papers may lead to passenger and crew being kept in security until the situation is rectified. Documentation was included in OPS 1.1002.

comment

1916

comment by: *FSC - CCOO*

Add:  
(c)  
**(6)**  
**documentation.**

Reason: Landing and entrance documents are important and knowledge should be mandatory. Failure to deliver the required documents may lead to complications. This point point was included in OPS 1.1002 (a)(1)(iv).

comment

1982

comment by: *kapers Cabin Crew Union*

New: (c) **6**  
**documentation**

Reason: It is important that landing and entrance papers are taught to single cabin crew members. Missing papers may lead to passenger and crew being held hostage. This was included in OPS 1.1002.

comment

2499

comment by: *M Wilson-NetJets*

**Original text:**

(a) The operator shall select, recruit, train and check the proficiency of the cabin crew members to be assigned to single cabin crew member operations according to criteria appropriate to this type of operations.

(b) Cabin crew members shall only be assigned to single cabin crew member operations after they:

(1) have completed the additional training course required for single cabin

crew member operations;

(2) have successfully passed the checks verifying their proficiency in performing the duties and responsibilities performed in single cabin crew member operations;

and

(3) for new entrant cabin crew members who have no previous comparable experience, have undertaken familiarization flying of at least 20 hours and 15 sectors on the aircraft type under the supervision of a suitably experienced cabin crew member.

**Suggested new text:**

(a) The operator shall select, recruit, train and check the proficiency of the cabin crew members to be assigned to single cabin crew member operations according to criteria appropriate to this type of operations.

(b) Cabin crew members shall only be assigned to single cabin crew member operations after they:

(1) have completed the additional training course required for single cabin crew member operations;

(2) have successfully passed the checks verifying their proficiency in performing the duties and responsibilities performed in single cabin crew member operations;

and

(3) for new entrant cabin crew members who have no previous comparable experience, have undertaken familiarisation flying, **for which the flying time and number of sectors is representative of the complexity of the cabin and its associated equipment and the complexity of the operations**, on the aircraft type under the supervision of a suitably experienced cabin crew member.

**Comment/suggestion:**

The complexity of the cabin and associated equipment dictate the sophistication of the required familiarization flying.

comment

3492

comment by: IATA

**(b) Cabin crew members shall only be assigned to single cabin crew member operations after they:**

**(1) ....**

**(2) ....**

**(3) for new entrant cabin crew members who have no previous comparable**

**experience, have undertaken familiarisation flying of at least 20 hours and 15 sectors on the aircraft type under the supervision of a suitably experienced cabin crew member.**

**There is no safety evidence for 20 hours and 15 sectors.**

**Proposal:**

**.....of at least 10 sectors ....**

comment

3974

comment by: CUD

Add:

(c)

**(6)**  
**documentation.**

Reason: Landing and entrance documents are important and knowledge should be mandatory. Failure to deliver the required documents may lead to complications. This point point was included in OPS 1.1002 (a)(1)(iv).

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VI - Chapter 2 -  
OR.OPS.260.CC Senior cabin crew member**

p. 22-23

comment 759 comment by: *claire.amos***Point (d)**

This has changed from current procedure. EU-OPS 1.1000 states 'Procedures must be acceptable to the authority and take account of a cabin crew members operational experience'.

It is recommended that this statement be reinstated.

comment 1280 comment by: *UK CAA***Page No: 22****Paragraph No:**

OR.OPS.260.CC - (a) (2)

**Comment:**

Additional text requires 'successful' completion of a course.

**Justification:**

If this is intended to check proficiency then clarification is required as it is an additional requirement for operators to adhere to.

**Proposed Text (if applicable):**

(a) (2) have successfully completed a senior cabin crew training course including a check of proficiency.

comment 1382 comment by: *Austro Control GmbH*

The headline may be confusing, because mostly the senior cabin crew member is called "*Purser*".

(c):

add to end of the text:

"... and shall advise the cabin crew of any other actions, such as securing the passenger cabin and other applicable areas."

**Justification:**

The duties of the senior cabin crew member in the case of turbulence have to be clarified.

comment 1715 comment by: *Thomas Cook Airlines*

**Justification:**

Is a method of checking required to ascertain succesful completion of course

Proposal:

Suggest removal of the word succesfull i.e. Have completed a senior cabin crew members training course

comment

1716

comment by: *Thomas Cook Airlines*

Justification:

Suggests that the procedures for this do not have to acceptable to the authority

Proposal:

Replace with: An operator shall establish procedures to select the next most suitably qualified Cabin Crew member to operate as SCCM in the event of the nominated SCCM becoming unable to operated. Such procedures must be acceptable to the authority and take account for the cabin crew members operational experience

comment

2006

comment by: *Elaine Allan Monarch*

Page No.  
22

Ref No.  
NPA 2009 - 2c OR OPS 260.CC (a) (2)

Summary of EASA Proposed Requirement:

The Operator shall nominate Cabin Crew members to the function of SCCM only if they: (2) have successfully completed a SCCM training course

Comment:

By using the word successfully the rule suggests that the course is a pass or fail.

Justification:

Is a method of checking required.

Proposed Text (if applicable)

Suggest removal of the word succesfull i.e. Have completed a senior cabin crew training course

comment

2007

comment by: *Elaine Allan Monarch*

Page No.  
22

Ref No.  
NPA 2009 - 2c OR OPS 260.CC (d) (2)

Summary of EASA Proposed Requirement:

The operator shall establish procedures to select the most suitably qualified and experienced cabin crew member to replace the nominated senior cabin crew member in case he/she becomes unable to operate

## Comment:

Text removed referring to procedures being acceptable to the authority and taking account of a Cabin Crew members operational experience

## Justification:

Suggests that the procedures for this do not have to be acceptable to the authority

## Proposed Text (if applicable)

Replace with: ***An operator shall establish procedures to select the next most suitably qualified Cabin Crew member to operate as SCCM in the event of the nominated SCCM becoming unable to operated. Such procedures must be acceptable to the authority and take account for the cabin crewmembers operational experience***

comment 3773

comment by: Frank Ciupka

**Proposal:**

Instead of 1 year experience there should be a number of legs or flight hours defined.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII**

p. 23

comment 3742

comment by: Christian Hölzle

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII - OR.OPS.005.TC  
Scope**

p. 23

comment 1015

comment by: Dirk Hatebur

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 1282

comment by: UK CAA

**Page No: 23**

**Paragraph No:**  
OR.OPS.005.TC

**Comment:**

In Parts OPS.COM and AMC OPS.COM the term 'crew member' is used widely as befits the many various tasks and types of operations. It is considered appropriate, however, for the scope of the term 'Technical Crew Member' to be extended to cover some of these tasks such as specialist crew for helicopter under-slung load work or parachute dispatchers so that appropriate consideration is given by operators to the selection, training and use of such specialists.

JAR-OPS 4.007(a)(3) originally covered in the term 'aerial task specialists' but the reasons for not following this line fully, as explained in NPA 2009-02a at page 49, paragraph 33, are noted.

If this proposal is accepted then Part OPS.COM will require some amendment to include 'Technical Crew Members'. This would best be addressed by specialist 'Aerial Work' experts.

**Justification:**

By extending the scope of 'Technical Crew Member' to other task specialists in Commercial Operations, the training and operational requirements for such specialists will be standardised and controlled.

comment

3149

comment by: DGAC

**Proposal :**

Amend paragraph OR.OPS.005.TC and insert a new § OR.OPS.010.TC as follows :

**"OR.OPS.005.TC Scope**

(a) This Part establishes the requirements to be met by technical crew members in HEMS, HHO and NVIS operations other than flight or cabin crew.

**OR.OPS.010.TC Definition**

~~(b) A technical crew member~~ **For the purpose of this section, the following definition shall apply :**

**Technical crew member** : in HEMS, HHO and NVIS operations, **a person** is assigned by the operator to duties in the aircraft or on the ground for the purpose of assisting the pilot during HEMS, HHO or NVIS operations, which may require the operation of specialised onboard equipment."

N.B.: For consistency, this definition should be moved to a higher level, as it is used both in Part OR and Part OPS (in subpart SPA)

**Justification :** (b) gives a definition for Technical Crew Member. This definition should be moved to a dedicated paragraph.

comment

3947

comment by: FAA

**1. OR.OPS.005.TC**

*Comment:*

Technical crewmember requirements do not include any record keeping. Without recordkeeping of training requirements, the requirement is ineffective. Operators may not comply with training requirements unless the appropriate authority can conduct checking of records required for verification.

*Recommendation:*

Include a requirement for recordkeeping of technical crewmember training requirements.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII - OR.OPS.015.TC  
Conditions for assignment of technical crew to duties**

p. 23

comment

148

comment by: EHOC

Paragraph (a)(3)

This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.

This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

Delete this clause and renumber subsequent clauses.

comment

337

comment by: REGA

What kind of medical check?

comment

365

comment by: Reto Ruesch

OR.Ops.015 TC

Tech crew assignment to duties (3) aero medical examination

This is not applicable as the TC is fulfilling already point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment

482

comment by: Heli Gotthard

This is not applicable as the TC already fulfils point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

- comment 505 comment by: *Stefan Huber*
- This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.
- comment 528 comment by: *Air Zermatt*
- This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.
- comment 562 comment by: *Air-Glacières (pf)*
- This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.
- comment 788 comment by: *Heli Gotthard AG Erstfeld*
- OR.Ops.015 TC  
Tech crew assignment to duties (3) aero medical examination  
This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.
- OR Ops 025 TC  
Aircraft type and difference training  
Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.
- comment 808 comment by: *SHA (AS)*
- This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being

subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 830 comment by: *Berner Oberländer Helikopter AG BOHAG*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety

comment 928 comment by: *Heliswiss AG, Belp*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 964 comment by: *Heliswiss*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 989 comment by: *Heliswiss NV*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 1284 comment by: *UK CAA*

**Page No:** 23

**Paragraph No:**  
OR.OPS.015.TC (a) (3)

**Comment:**

Periodic assessment of medical fitness is unnecessary. "Aeromedical best practice" is not relevant to these groups.

**Justification:**

Medical requirements are not appropriate for these groups. No safety benefit.

**Proposed Text (if applicable):**

Delete: **(a) (3)**.

comment 1311 comment by: *Catherine Nussbaumer*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 1335 comment by: *Jan Brühlmann*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 1357 comment by: *Walter Mayer, Heliswiss*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 1549 comment by: *Pascal DREER*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 1901 comment by: *Walter Gessky*

**OR.OPS.015.TC Conditions for assignment of technical crew to duties**

(a) Technical crew members in HEMS, HHO and NVIS operations shall only be assigned

duties if they:

(1) are at least 18 years of age;

~~(2) are physically and mentally fit to safely perform assigned duties and~~

responsibilities;

Delete (2)

Justification:

Medical requirements for 'technical' crew such as crew undertaking helicopter emergency medical services are not necessary. Technical crew members are defined as passengers and their incapacitation would have no impact on flight safety.

comment

2217

comment by: *Christophe Baumann*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment

2240

comment by: *HDM Luftrettung gGmbH*

OR.OPS.015.TC:

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment

2259

comment by: *Benedikt SCHLEGEL*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment

2295

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment.This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment

2716

comment by: *Philipp Peterhans*

This is not applicable as the TC already fulfils point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical

checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 2831

comment by: *Ph. Walker*

This is not applicable as the TC already fulfils point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety

comment 3249

comment by: *Hans MESSERLI*

This is not applicable as the TC already fulfils point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 3476

comment by: *Trans Héli (pf)*

This is not applicable as the TC already fulfils point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety

comment 3582

comment by: *Heliswiss International*

This is not applicable as the TC already fulfils point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment 3790

comment by: *Swiss Helicopter Group*

This is not applicable as the TC already fulfils point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical

checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety

comment

3801 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

This paragraph is almost a copy of Annex IV 7.b.(ii) of the Basic Regulation, containing the Essential requirements for CC, but for technical crew members it has been introduced at a lower level as an Implementing Rule.

If this difference in levels has to be kept, both the IRs and AMCs proposed for CC need to be transposed to the level of AMC for technical crew members to make OR.OPS.015.TC possible to implement. A better option would be to use the same requirements for both CC and TC.

(2) and (3) should be compared to the corresponding requirements for CC in OR.OPS.110.CC. The medical requirements to be met are exactly the same, but the procedures to be used are differently described.

**Proposal:**

The medical requirements for CC in OR.OPS.110.CC and those for technical crew member in OR.OPS.015.TC should be identical.

comment

3871

comment by: *Eliticino SA*

This is not applicable as the TC already fulfils point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

comment

4029

comment by: *ADAC Luftrettung GmbH*

(a) (3)

This is not applicable as the TC already fulfils point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks. This goes way beyond the original concept of assessment of fitness and introduces periodic assessment. This was not part of the original requirements and, unless 'periodic' is qualified, could lead to some TCM being subjected to six-monthly assessments. This clause should be removed because clause (2) and the AMC provides sufficient safety.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII - OR.OPS.020.TC  
Initial and type-related training**

p. 23

comment

965

comment by: *Heliswiss*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule

to OR.OPS.250.CC.

comment

1452

comment by: *Pietro Barbagallo ENAC*

Comment: Change as follows: a) Initial training, including CRM relevant for their duties

Justification: To stress the importance of tailoring of CRM for this role and avoid generic and ineffective CRM. The same applies to 025.TC and 035.TC. Some specification should be made on suitably qualified personnel permitted to conduct this training and the good practice to deliver CRM in joint session with the rest of the crew.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII - OR.OPS.025.TC  
Aircraft type and differences training**

p. 23

comment

149

comment by: *EHOC*

General

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment

366

comment by: *Reto Ruesch*

OR Ops 025 TC

Aircraft type and difference training

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment

483

comment by: *Heli Gotthard*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment

506

comment by: *Stefan Huber*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment

529

comment by: *Air Zermatt*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment

563

comment by: *Air-Glacières (pf)*

Unlike the original requirement, here is no limitation on the number of types

that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 809 comment by: *SHA (AS)*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 831 comment by: *Berner Oberländer Helikopter AG BOHAG*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 929 comment by: *Heliswiss AG, Belp*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 990 comment by: *Heliswiss NV*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 1016 comment by: *Dirk Hatebur*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 1312 comment by: *Catherine Nussbaumer*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 1336 comment by: *Jan Brühlmann*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 1358 comment by: *Walter Mayer, Heliswiss*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 1550 comment by: *Pascal DREER*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 2218 comment by: *Christophe Baumann*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 2241 comment by: *HDM Luftrettung gGmbH*

OR.OPS.025.TC:

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 2260 comment by: *Benedikt SCHLEGEL*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 2717 comment by: *Philipp Peterhans*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 2832 comment by: *Ph.Walker*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 3250 comment by: *Hans MESSERLI*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 3477 comment by: *Trans Héli (pf)*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 3791 comment by: *Swiss Helicopter Group*

Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 3872 comment by: *Eliticino SA*  
 Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

comment 4031 comment by: *ADAC Luftrettung GmbH*  
 Unlike the original requirement, here is no limitation on the number of types that the TCM can operate on; it is not clear why there is not an equivalent rule to OR.OPS.250.CC.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII - OR.OPS.030.TC**  
**Familiarisation flights**

p. 24

comment 1286 comment by: *UK CAA*

**Page No:** 24

**Paragraph No:**  
OR.OPS.030.TC

**Comment:**  
Familiarisation flight infers that the technical crewmember has only to be familiar with his/her working environment before being checked.

**Justification:**  
The term 'familiarisation flight' should be replaced with 'role training flight' to instil a level of competence in the technical crew member.

**Proposed Text (if applicable):**  
**New title:**  
Role training flight

**New sentence:**  
Following completion of type-related or conversion training, each crew member shall undertake role training before undertaking HEMS, HHO, NVIS operations or similar roles.

comment 3743 comment by: *Christian Hölzle*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII - OR.OPS.035.TC**

p. 24

<b>Recurrent training</b>
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comment	367	comment by: <i>Reto Ruesch</i>
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OR Ops 035 TC

Annual recurrent training for TC

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment	484	comment by: <i>Heli Gotthard</i>
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Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment	507	comment by: <i>Stefan Huber</i>
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Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment	530	comment by: <i>Air Zermatt</i>
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Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment	564	comment by: <i>Air-Glaciers (pf)</i>
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Recurrent TC : Owing to the high number of checks it should be possible to

combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 789

comment by: *Heli Gotthard AG Erstfeld*

OR Ops 035 TC

Annual recurrent training for TC

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 810

comment by: *SHA (AS)*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 832

comment by: *Berner Oberländer Helikopter AG BOHAG*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 930

comment by: *Heliswiss AG, Belp*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check,

Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 966

comment by: *Heliswiss*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 991

comment by: *Heliswiss NV*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1017

comment by: *Dirk Hatebur*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1313

comment by: *Catherine Nussbaumer*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1337

comment by: *Jan Brühlmann*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1359

comment by: *Walter Mayer, Heliswiss*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1551

comment by: *Pascal DREER*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2219

comment by: *Christophe Baumann*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 2242

comment by: *HDM Luftrettung gGmbH*

OR.OPS.035.TC:

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check,

Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2261

comment by: *Benedikt SCHLEGEL*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2718

comment by: *Philipp Peterhans*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2833

comment by: *Ph. Walker*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3251

comment by: *Hans MESSERLI*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3479

comment by: *Trans Héli (pf)*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3585

comment by: *Heliswiss International*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3793

comment by: *Swiss Helicopter Group*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3873

comment by: *Eliticino SA*

Recurrent TC : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII - OR.OPS.040.TC  
Refresher training**

p. 24

comment 1572

comment by: *REGA*

To facilitate the company's internal procedures and to be able to plan more

efficient the training and checking of crew members (Flight Crew and Technical Crew Member), the period of validity should be equal for all kind of checks and crew members. REGA decided to check their crew member every 12 months for their relevant duties: After several decades of experience, REGA does not see any disadvantage in these checking periods or any negative impact regarding to flight safety. The period of validity for Operator Proficiency Check, Line Check, Emergency and Safety Checks and the according training shall be 12 months.

**Proposal (OR.OPS.040.TC Refresher training)**

*Each technical crew member who has not undertaken duties in the previous 12 months in the relevant type of aircraft shall complete refresher training relevant to the type of aircraft and equipment which the technical crew member operates.*

comment 3552

comment by: KLM Cityhopper

**Comment:**

The EASA proposal is in contradiction and more restrictive than the EU Working Time Directive (WTD) (Council Directive 2000/79/EC of 27 November) which has set a limit of 900 hours in 1 calendar year and provides for more flexibility in particular when planning crew member yearly leave.

EASA's referring to ICAO cannot be accepted as a valid justification taking into account the fact that ICAO is not setting any limit which means that most non-EU airlines can already today do much more block flying hours than EU airlines which are faced with the 900h limit.

In addition, there is no safety justification to further restrict the current WTD limit. There is already requirement to evenly distribute the duty hours,

**Proposal:**

Replace OR.OPS.040. FTL (b) (2) with 'in 1 calendar year'

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VII - OR.OPS.045.TC  
Checking**

p. 24

comment 150

comment by: EHOC

General

The original text excluded checking for refresher training - this should also be excluded in this rule.

Missing subsequent rule

It is not clear why 'Training Records' has been transferred to the MLR section from the training section. Whilst it is a record of training, it is an instruction to the operator about the recording and availability of these records rather than an instruction for the storage (which is contained in the immediate section above).

It should be returned to the FC section:

"OR.OPS.050.TC Training records

The operator shall:

- (a) Maintain records of all training, checking and qualification prescribed in this Section undertaken by a crew member; and
- (b) Make the records of all conversion courses and recurrent training and checking available, on request, to the crew member concerned."

comment

1288

comment by: UK CAA

**Page No:** 24**Paragraph No:** OR.OPS.045.TC**Comment:** Recurrent checking is not addressed clearly.

**Justification:** The existing text requires 'checking on completion of training'. This could be misinterpreted for initial training only. Therefore the sentence should expand on those occasions where checking is required.

**Proposed Text (if applicable):**

(a) Following the completion of initial and recurrent training, each technical crew member shall undergo a check to demonstrate their proficiency in carrying out normal and emergency procedures.

comment

2859

comment by: Civil Aviation Authority of Norway

Following a successful checking of competence, some evidence of their proficiency should be provided to the technical crew member, and the operator should also be required to establish and maintain a training record for technical crew members.

comment

3150

comment by: DGAC

This paragraph is named "Checking", however it deals also with training.

To be consistent with OR.OPS.xxx.FC, there should be a general paragraph dealing with "training and checking". Provisions contained in AMC OR.OPS.035.TC §1 should be moved to that general paragraph and aligned with the wording of OR.OPS.145.FC §(h)

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII**

p. 24

comment

1242

comment by: Sven Freisenich

Attachments [#6](#) [#7](#) [#8](#) [#9](#)

See attached files:

LTU Comments EASA NPA FTL  
 LTU Comments EASA CS FTL  
 LTU Charts FDP  
 LTU Memo FDP

comment

2116

comment by: AUSTRIAN Airlines

**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reason, all type of operations of complex aeroplanes should be subject to identical rules.  
**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 3092

comment by: ERA

**European Regions Airline Association Comment**

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. ERA reserves the right to come back to EASA on Section VIII once the options issue has been settled.

The ERA Directorate understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that the Directorate would welcome Industry participation in providing 'expert' input.

comment 3188

comment by: Virgin Atlantic Airways

**Relevant Text:**

Entire CS FTL section

**Comment:**

Content of this entire section appears entirely geared to cover short/medium haul commercial operations and there are a variety of topics addressed in EU-OPS Part Q that have been omitted. These include:

Extended FDP (split duty) (Subpart Q - OPS 1.1105 point 6)  
 Extension of flight duty period due to in-flight rest (Subpart Q - OPS1.1115)  
 Standby (this includes other options above and beyond the Aerodrome/operating site standby addressed by EASA in OR.OPS.050.FTL) (Subpart Q - OPS1.1125)

Also in the absence of any information regarding the FTL Rulemaking Task there is no information on how variations to FTL schemes would be managed (this is also covered in EU Ops Subpart Q and subject to the provisions of Article 8)

Without this information and based solely on what is currently included in EASA NPA 2009-02c Subpart OPS - Section VIII - CS FTL, Virgin Atlantic would be unable to continue operating a number of existing services due to FDP limitations. This is completely unacceptable to Virgin Atlantic since it would have significant operational and cost impact for no safety justification.

**Proposal:**

Amend CS FTL Section to include all content from EU-OPS Part Q. In particular:

Extended FDP (split duty) (Subpart Q - OPS 1.1105 point 6)  
 Extension of flight duty period due to in-flight rest (Subpart Q - OPS1.1115)  
 Standby (Subpart Q - OPS1.1125)

Provide clarification on content of FTL rulemaking task and how variations in FTL schemes will be managed (subject to provisions of Article 8)

comment 3931 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

See attached files:

Air Berlin Charts FDP

comment 3932 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Attachment [#10](#)

See attached files

comment 3957 comment by: *ANE (Air Nostrum) OPS QM*

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserve the right to come back to EASA on Section VIII once the options issue has been settled.

We understand that the Agency are planning separate Rule making activity in regard to FTL.

### C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1

p. 24

comment 715 comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL - Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1105 comment by: *AEA*

**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)

**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair

competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reason, all type of operations of complex aeroplanes should be subject to identical rules.

**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 1407 comment by: *Unionen/Sweden*  
f) in favoure FDP shall include al duty

comment 1598 comment by: *TAP Portugal*  
**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in other to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reason, all type of operations of complex aeroplanes should be subject to identical rules.  
**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 1808 comment by: *KLM*  
Relevant Text: Chapter 1 (General Requirements) of Section VIII (new para)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in other to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reason, all type of operations of complex aeroplanes should be subject to identical rules.  
**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 2596 comment by: *Deutsche Lufthansa AG*  
**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in other to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reason, all type of operations of complex aeroplanes should be subject to identical rules.  
**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 2955 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reasons, all types of operations of complex aeroplanes should be subject to identical rules.  
**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 3639 comment by: *AIR FRANCE*

**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (new para)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reasons, all types of operations of complex aeroplanes should be subject to identical rules.  
**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 4049 comment by: *ANE (Air Nostrum) OPS QM*

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserve the right to come back to EASA on Section VIII once the options issue has been settled. We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that we would welcome Industry participation

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 - OR.OPS.005.FTL Scope**

p. 24

comment 1 comment by: *AIR SAFETY GROUP*

This opening paragraph is the only indication throughout the FTL Scheme of what a 'crew member' consists of and should be included within the OR.OPS.010.FTL Definitions.

comment 312 comment by: *Continuous Security GmbH*

Last Feb. I was attending a FRMS training course at the NTSB, USA with Dr. Mark Rosekind, PhD. He said that it is very important to develop an "alertness strategy". I would suggest to add it to the scope.

comment 409 comment by: *Rega / Swiss Air-Ambulance*

**OR.OPS.005.FTL Scope****Preface:**

It is the opinion of Rega, Swiss Air Ambulance that it is very wise to distinguish between Implementing Rules (IR) and Guidance Material (GM) like for example the Certification Specifications CS.FTL 1. This allows e.g. dedicated Aeroplane Emergency Medical Service (AEMS) operators to develop together with EASA refined FTL's adapted for the specific requirements of the stakeholder. Putting everything into Implementing Rules (IR) would impede a process of refining Guidance Material (GM) for the benefit of the stakeholders.

**Scope:**

FTL's developed for e.g. major airline operators and fixed in Implementing Rules (IR) would jeopardize the ability for dedicated Aeroplane Emergency Medical Service (AEMS) operators to hurry and MEDEVAC sick/wounded patients in need in due time for treatment.

**Text to be added/altered:**

**NIL; keep the differentiation between Implementing Rules (IR) and Guidance Material (GM) (e.g. CS FTL) like proposed in the published EASA-OPS NPA.**

**Proof:**

N/A

**Background:**

Swiss Air Ambulance is a subsidiary of Rega, Switzerland's national air-rescue organisation, which was founded in 1952. Swiss Air Ambulance can draw on decades of experience and the expertise of professional teams to provide competent, comprehensive assistance in the event of medical emergencies all over the world operating besides 13 dedicated HEMS helicopters 3 dedicated Bombardier CL-604 "Challenger" ambulance jets with a range of 3'500 NM. Its services range from providing medical advice to repatriating patients to/from Switzerland or any other point of the world. Swiss air-ambulance is a private, non-profit organisation, which operates in accordance with the guiding principles of the Red Cross. It comes to the aid of people in distress, without respect of their nationality, religious conceptions or social status. Swiss air-ambulance operates under the Air Operator Certificate CH-AOC-No.1015 issued by the Federal Office of Civil Aviation Switzerland (FOCA) and is compliant with EU-OPS. Please visit [www.rega.ch](http://www.rega.ch)

comment

716

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment

1768

comment by: *Sean Butler, bmi*

**Page: 24 Section: Section VIII – Flight and Duty Time Limitations and Rest Requirements**

Relevant Text: Chapter 1 (General Requirements) of Section VIII (new para)

Comment: The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition and equal safety standards with the commercial operators which are indirectly competing with when transporting certain types of passengers or freight.

Proposal: Revise OR.OPS.005.FTL Scope to be applicable to both commercial and non-commercial operators.

comment 2739 comment by: *Civil Aviation Authority of Norway*

The former definition FDTL should be used since both Flight and Duty Time are regulated by this Ops.

comment 3416 comment by: *European Transport Worker's Federation*

Attachment [#11](#)

Dear EASA members,

Please find enclosed the ETF comments on the NPA 2009 - 02C.

Best regards,

François Ballestero  
ETF

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 - OR.OPS.010.FTL Definitions**

p. 24-25

comment 2 comment by: *AIR SAFETY GROUP*

The Definitions in any sophisticated FTL Scheme form the key to success of the scheme ensuring its clarity and unambiguous interpretation throughout. No phrase or word should be used within the FTL scheme that may hold different meanings to different people and any such phrase/word must be defined to avoid any possibility of misinterpretation, either inadvertent or deliberate, in day to day usage.

**DEFINITIONS**

Should not include examples (unless it contains all possible examples) because in day to day operations if the example that applies is not given, there will be a difference of opinion and it should not be open to subjective judgements of individuals.

**(a) AUGMENTED FLIGHT CREW.** - Agree this definition but should there not also be a definition relating to Augmented Cabin Crew?

DUTY definition should be precise and as follows: -

**(c) "DUTY means any continuous period during which a crew member is required to carry out any task associated with the business of an Aircraft Operator."**

If examples have to be included then suggest the following addition: -

**"It includes, but is not limited to, flight duty, administrative work and other ground duties, training, positioning and standby."**

Is a meeting to have a new uniform fitted, renew a medical, attend a disciplinary hearing etc a 'Duty'? This would be covered by 'other ground duties' above.

The phrase 'when it is likely to induce fatigue' following 'standby' is meaningless, as everything one does whilst awake can be assumed to be contributing to the gradual build up of fatigue, so it becomes a matter of subjective assessment and, whilst an individual crew member may claim standby has induced fatigue, the operator may well think otherwise. So, whose opinion counts? In the definition proposed above Standby is a task which places restraints upon a crew member and is a requirement associated with the business of the Aircraft Operator and, as such, is undoubtedly a Duty.

**(g) HOME BASE** - suggest add at the end of this definition **"and where accommodation is the responsibility of the individual crew member"**.

**(i) LOCAL NIGHT** - suggest change to reflect the proposal in the Moebus Aviation Scientific Review.

**(j) A SINGLE DAY FREE OF DUTY** - suggest this be re-labeled as: -

**DAYS OFF means time free from all duties. A single Day Off shall include two local nights. Consecutive Days Off shall include a further local night for each additional consecutive Day Off. A rest period may be included as part of a Day Off.**

**(k) Operating Crew Member means a flight crew, cabin crew or technical crew member who carries out their duties in an aircraft during flight.** Note: Enlarging on this definition effectively provides a definition for Crew Member as well.

**(l) Positioning** - Insertion of the comma after the first vice versa makes this definition ambiguous. Presumably Positioning is classed as a duty, but is the 'time for local transfer from place of rest to the commencement of duty and vice versa' also classed as duty or is this intended to be excluded as a duty? Including the comma tends to imply or infer that the local transfer time is classed as positioning.

I would agree that normal travel time from crew member's Home to their designated **'HOME BASE'** (as opposed to a **'designated reporting point'**, which is not defined and could be anywhere and many hours away) is not to be classed as duty. I would also agree that travel time for local transfer from place of rest to commencement of duty **'when away from Home Base'** should also not be classed as Duty. Deletion of the aforementioned comma would clarify this point, if indeed that is what is intended! Suggest the

following: -

**(I) Positioning means the transferring of a non operating crew member from place to place at the behest of the operator. It excludes both the travel time from home to the designated home base and vice versa and, for both operating and non operating crew members when away from home base, the travel time for local transfer from a place of rest to the commencement of duty and vice versa.**

**General Comments relating to Definitions: -**

There are a number of words and phrases used within the FTL scheme which are not defined. There are also common day to day practices that occur that should also be defined for clarity and to complete the gaps in the scheme. Suggest definitions be inserted for the following: -

1. **Acclimatised - W hen a c rew member h as s pent 3 consecutive local nights on the ground within a time zone which is 2 hours wide, and is able to take uninterrupted nights sleep. The crew member will remain acclimatised thereafter until a duty period finishes at a place where local time differs by more than 2 hours from that at the point of departure.** Note: Whilst the WOCL definition suggests a form of acclimatisation, it is not specific enough. The FTL scheme must limit the FDP permitted to crew members on the day who are not acclimatised to local time and there must, therefore, be a definition of how and when a crew member becomes acclimatised.
2. **Contactable means a short period of time of no more than 2 hours during the day, other than on a Day Off, during which the Operator requires a crew member to be at an agreed location for the purpose of giving notification of a duty period which will commence not less than 10 hours ahead. The 2 hour Contactable time period shall be specified by the Operator.** Note: Having this facility provides flexibility for the Operator to arrange or re-arrange the roster when delays occur and allows the crew member to receive adequate notice of a change that will then permit sufficient rest prior to the notified duty. Days Off however remain sacrosanct and should not be disturbed.
3. **Early Start Duty means a duty that commences within the period 06.00 to 06.59 hours.** Note: A start earlier than 06.00 will fall within the WOCL. Consecutive early starts should be limited in number to 3 and no more than 4 in any 7 consecutive days, as it leads to sleep deprivation and fatigue.
4. **Late Finish Duty means a duty that ends in the period 01.00 to 01.59 hours.** Note: Consecutive Late Finish Duties should also be limited to 3 and no more than 4 in any consecutive 7 days. As with consecutive early starts, consecutive Late Finish Duties can lead to sleep deprivation.
5. **Night Duty means a duty that impinges upon the Window of Circadian Low.** Note: Consecutive Night duties should be limited to 3 with no more than 4 in any consecutive 7 days. Additional rest should also be included both prior to and subsequent to consecutive Early, Late and Night duties to aid recovery from such duties prior to resuming the next duty. Where specific arrangements are approved for up to five consecutive such duties, compensating factors must be included to alleviate the impact. This may include additional Days Off, reduced overall cumulative Flying Hours and/or reduced cumulative Duty Hours

- within any consecutive 28 days together with reduced FDP on the day.
6. **Reporting Time means the time at which a crew member is required to report for any Duty.** Note: Realistic reporting times prior to a flight, which may vary between different bases and/or aircraft operations, must be included in the Operator's Operations Manual and must be based on actual custom and practice and the realistic time it takes for all necessary pre-flight planning. The times listed must not place undue pressure on crews to rush this important task. Crew members reporting at Home Base invariably arrive early simply to ensure they are not late for the flight.
  7. **Sector means the time between an aircraft first moving under its own power until it next comes to rest, after landing, on the designated parking position.** Note: This definition is required because it ties in with another proposed definition of **Split Duty** in relation to extending the FDP by taking "periods off duty on ground during a single FDP". It must be made clear that Split Duty is on a **pre-planned** basis between two **Sectors** (as opposed to between two duties because of an unforeseen delay).
  8. **Split Duty means an FDP which consists of two sectors, separated by less than a minimum rest period.** Note: If the split is permitted between two duties, then it will be used whenever a delay occurs in the daily operation such that anything up to 8 or 9 hours or more 'break' will then add 50% of that time in order to extend the FDP leading to potentially excessive amounts of time on duty (anything up to 17 or 18 hours).
  9. **Break means a period of time free of duty between two sectors that is less than the minimum rest period.** Note: Again, this definition is required to complete the picture in terms of Sector and Split Duty definitions.
  10. **Suitable Accommodation means a well furnished bedroom which is subject to minimum noise, is well ventilated, and has the facility to control the levels of light and temperature.** Note: There must be a requirement incorporated within Subpart Q for Operators to provide suitable accommodation for all crew members after an FDP, when they are operating away from their Home Base. If no such requirement exists, crew members may be required to sleep in the aircraft or crew room and this is unacceptable.
  11. **Scheduled Seasonal Period.** Note: Used in OR.OPS.015FTL para(l) and is somewhat meaningless in that generally the recognised seasons tend to merge into each other in modern aviation operations. This can mean a number of things to different people and cultures and, because it is used in this paragraph, then it should be defined so that its use is unambiguous and clear.

comment

133

comment by: Rega / Swiss Air-Ambulance

**OR.OPS.010.FTL Definitions (m)****Scope:**

Rephrase the term "Rest Period" to "Rest Time" and add the new defined term "Rest Period".

**Text to be added/altered:**

(m) **"Rest Time"** means the continuous and defined period of time, subsequent to and/or prior to duty, during a crew member is free of all duties;

**(n) " Rest Period" means an extended recovery rest period to compensate for cumulative fatigue;**

**(o)** "Standby" means ... rest of text no change

**(p)** "WOCL" means ... rest of text no change

**Proof:**

The terms "Rest Time" and "Rest Period" are under EU-OPS well established and understood in the aviation community. It makes no sense to alter this well known terms; there is no gain in safety.

For Swiss Air Ambulance it is economically unbearable to alter and adapt all the computer programs assisting the operations for no reason with the from EASA proposed terms.

**Background:**

Swiss Air Ambulance is a subsidiary of Rega, Switzerland's national air-rescue organisation, which was founded in 1952. Swiss Air Ambulance can draw on decades of experience and the expertise of professional teams to provide competent, comprehensive assistance in the event of medical emergencies all over the world operating besides 13 dedicated HEMS helicopters 3 dedicated Bombardier CL-604 "Challenger" ambulance jets with a range of 3'500 NM. Its services range from providing medical advice to repatriating patients to/from Switzerland or any other point of the world. Swiss air-ambulance is a private, non-profit organisation, which operates in accordance with the guiding principles of the Red Cross. It comes to the aid of people in distress, without respect of their nationality, religious conceptions or social status. Swiss air-ambulance operates under the Air Operator Certificate CH-AOC-No.1015 issued by the Federal Office of Civil Aviation Switzerland (FOCA) and is compliant with EU-OPS. Please visit [www.rega.ch](http://www.rega.ch)

comment

136

comment by: *Rega / Swiss Air-Ambulance*

**OR.OPS.010.FTL Definitions**

**Scope:**

The under EU-OPS and JAR-OPS/JAR-FCL well understood and separated definitions "Flight Time" and "Block Time" shall be maintained. Alter the definition of "Flight Time" to "Block Time" while introducing the definition "Flight Time" with a new wording.

**Text to be added/altered:**

**(b) "Block Time" means:**

(1) for aeroplanes ... rest of text no change

(2) for helicopters ... rest of text no change

(3) for sailplanes ... rest of text no change

(4) for balloons ... rest of text no change

**(f) "Flight Time" means the time an aircraft is airborne for the purpose of flight**

**(g)** "Flight Duty Period (FDP)" ... rest of text no change

**(h)** "Home base" ... rest of text no change

**(i)** "Local day" ... rest of text no change

**(j)** "Local" ... rest of text no change

**(k)** "A single day free of duty" ... rest of text no change

**(l)** "Operating crew member" ... rest of text no change

- (m) "Positioning" ... rest of text no change
- (n) "Rest Period" ... rest of text no change
- (o) "Standby" ... rest of text no change
- (p) "Window of Circadian Low (WOCL)" ... rest of text no change

**Proof:**

- The aviation industrie needs to be able to differentiate between two definitions of time. The "Block Time" is used for e.g. pilots log book entries, for entries in the "flight and duty time reports", for entries in NAA's proficiency and skill test forms and so on. On the other hand the definition "Flight Time" is to be used in connection with entries in the aircraft's technical log book/flight log/journey log
- It is economically not bearable for Swiss Air Ambulance to alter and reprogram numerous IT-applications to comply with the proposed new definition of "Flight time" as per NPA OR.OPS.010.FTL Definitions
- Using new the definition "Flight Time" instead of "Block Time" leads to confusion within the aviation community

**Background:**

Swiss Air Ambulance is a subsidiary of Rega, Switzerland's national air-rescue organisation, which was founded in 1952. Swiss Air Ambulance can draw on decades of experience and the expertise of professional teams to provide competent, comprehensive assistance in the event of medical emergencies all over the world operating besides 13 dedicated HEMS helicopters 3 dedicated Bombardier CL-604 "Challenger" ambulance jets with a range of 3'500 NM. Its services range from providing medical advice to repatriating patients to/from Switzerland or any other point of the world. Swiss air-ambulance is a private, non-profit organisation, which operates in accordance with the guiding principles of the Red Cross. It comes to the aid of people in distress, without respect of their nationality, religious convections or social status. Swiss air-ambulance operates under the Air Operator Certificate CH-AOC-No.1015 issued by the Federal Office of Civil Aviation Switzerland (FOCA) and is compliant with EU-OPS. Please visit [www.rega.ch](http://www.rega.ch)

comment

174

comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL(b)(1): change as follows:

(b) 'Flight time' means:

(1) for aeroplanes and touring motor gliders the total time from the moment the aircraft first moves from its parking **place position** for the purpose of taking off until the moment it finally comes to rest on the designated parking position at the end of the flight and all engines or propellers are stopped;

Justification:

To remain consistent with the end of the sentence, we should use the same word.

comment

176

comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL:

Editorial recommendation:

- Definitions should appear in alphabetical order.

comment 204 comment by: *Eurowings Luftverkehrs AG*

"At the end of the flight": this specification is added to the current definition of "flight time" in EU-OPS. The sense of this is not understandable and leaves following unclear. Excluded are cases where an aircraft moves from the parking position for the purpose of taking off, but because of an unexpected event has to taxi back to the parking position without taking off, resulting in a cancellation of the flight. This means to be end of the flight time as well, also without any end of any flight.

comment 205 comment by: *Eurowings Luftverkehrs AG*

EU-OPS stated, whether and to what extent standby is to be accounted for as duty has to be defined by the authority. The new definition is very likely to create a lot of confusion in applying the rule. What is likely to induce fatigue is very flexible, unclear and individually different. It depends on the context of the whole duty roster, duties and rest times before. There has to be a clear statement what kind of standby is duty, this has to be implemented in an undisputable way into the CMS. Any ambiguous definitions are very likely to produce irritations between Crewmembers and Operators and may by this cause an unstable operation

comment 206 comment by: *Eurowings Luftverkehrs AG*

The clear statement of the EASA during the Meeting in Cologne on 11.03.2009 was, that no changes to the rules of Subpart Q where made. This new definition now expands the FDP to all duties before or in between on-duty-flights with the result, that FDP-regulations are significantly extended. Split-Duties and Duties that contain a break will be made impossible. This will lead to a obvious increase of staff demand, especially in times of holidays with reduced flight schedule, where breaks become necessary. Economic effects may be high.

The distinction between a non-flight-duty before or within any flights to be accounted as FDP to a non-flight-duty after a the last leg not to be FDP is not comprehensible and makes no sense.

comment 208 comment by: *Eurowings Luftverkehrs AG*

This definition is superfluous, as the term "single day free of duty" is not used within the rules and limitations. Instead it already now brings a lot of confusion within EU-OPS leading to misunderstandings concerning demands and claims for 2 local nights whenever a single day off is planned. A clearer legal provision would be appreciated!

comment 253 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.010.FTL(g): Reintroduce EU OPS wording as follows:  
(g) 'Home base' means the location nominated by the operator to the crew member from where the crew member normally starts and ends a duty period or a series of duty periods **and where, under normal conditions, the operator is not responsible for the accommodation of the crew**

**member concerned;**

## Justification:

The accommodation part disappeared and could lead operators to move crews too easily around. This could lead operators to implement reduced rest at home base without crew accommodation provided by the operators; this situation would introduce an additional fatigue factor, due to less time to get sleep.

Implications with taxes and social charges.

comment 368

comment by: *Reto Ruesch*

OR Ops 035 TC

Annual recurrent training for TC

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 369

comment by: *Reto Ruesch*

OR Ops 010 FTL

Definition b) Flight time

The flight time definition is in Switzerland defined as rotor turning time by the National authority.

comment 389

comment by: *Ryanair***OR.OPS.010.FTL (b)****Comment**

Use of the term 'flight time' in the context of FTLs conflicts with the term 'flight time' that is used for Engineering records.

**Proposal**

Change the word 'flight time' to 'block time'

comment 390

comment by: *Ryanair***OR.OPS.010.FTL (e)****Comment**

The definition of 'flight crew member' could include training/checking personnel not required as part of the minimum crew complement

**Proposal**

Flight crew member means a pilot, flight engineer or flight navigator required as part of the minimum crew complement and assigned to duty in an aircraft

**OR.OPS.010.FTL (j)**

**Comment**

The definition of a 'single day free of duty' could be misinterpreted as a 24 hour period starting at 00.00 followed by an additional two local nights

**Proposal**

Revert to EU OPS definition "a single day free of duty shall include 2 local nights. A rest period may be included as part of the day off"

**OR.OPS.010.FTL (m)****Comment**

On the basis of the revised definition of a duty in (c) and the addition of the requirement "subsequent to and/or prior to duty" would mean that all persons subject to the FTL would require minimum rest before non-safety related administrative duties

**Proposal**

"Rest period" means a continuous and defined period of time, subsequent to and/or prior to flight duty or standby duty during which a crew member is free of all duties"

**OR.OPS.010.FTL (o)****Comment**

The definition of the WOCL takes no account of fatigue mitigating roster principles such as consecutive early starts, no overnights, fixed days off. On the basis of scientific analysis, operational experience and in the interest of safety Operators must be allowed to permanently adjust the penalties associated with the WOCL by +/- 60 minutes to take account of operator specific requirements.

**Proposal**

Window of Circadian Low (WOCL) means the period between 02.00 and 05.59 hours local time. Within a band of 3 time zones the WOCL refers to home local base time. Beyond 3 time zones the WOCL refers to home base local time for the first 48 hours after departure from home base time zone and to local time thereafter. Operators may, on the basis of scientific analysis, operational experience and with the agreement of the Competent Authority, permanently move the penalties associated with the WOCL Band by +/- 60 minutes.

*Operator approved* to be added prior to every reference to the WOCL

**Proposed new definition – OR.OPS.010.FTL (p) – Split Duty**

Split Duty is an FDP consisting of two or more sectors but separated by less than a minimum rest period.

comment

401

comment by: *Ryanair***Comment**

There is no definition of cabin crew member

**Proposal**

(p) 'Cabin Crew Member' - a member of the crew who carries out his/her duties in the aircraft cabin during a flight

comment

455

comment by: *Condor Flugdienst GmbH - FRA HO/R***Flight Time:**

According to Condor Flugdienst GmbH the definition for "flight time" seems to address "block time" instead. (Please compare EU OPS, Subp. Q, OPS 1.1095). Flighttime should be defined as follows: "For aeroplanes (...) the time from lift off of the last part (tire) from ground to touch down (first ground contact of any aircraft part).

**Duty:**

This para needs clarification as far as standby duties are concerned. Here we need clarification that "standby duty" only regards aerodrome/operating site standby!

**A single day free of duty:**

This definition should be deleted as this is not referenced in this NPA.

**Positioning:**

Compared to EU OPS, Subpart Q the definition of "travelling time" is missing.

**WOCL:**

The term "after departure" in the last sentence can be misleading. It should be stressed that "after departure" shall be interpreted as the beginning of the last duty referenced to homebase`s time zone.

comment

542

comment by: *SCCA/ head of health and safety*

f) in favoure FDP shall include al duty

comment

580

comment by: *RAF-AVIA Airlines**Place of rest away from home base.*

*Place of rest away from home base is a place where the crew members normally end and start from a duty period and where suitable accommodation is provided. The operator is responsible for provision of the place of rest away from home base (suitable accommodation) for the crew members concerned.*

*Suitable accommodation in place of rest away from home base.*

*Suitable accommodation is a suitably furnished bedroom, which is subject to minimum noise, well ventilated and has the facility to control the levels of light and temperature.*

comment

622

comment by: *easyjet safety*

(b) (1)

Comment: The definition of "Flight Time" in respect of (b) (1) lacks clarity.  
Proposal: Change "Flight Time " to "Block time" and delete "at the end of the flight" thereby removing the assumption that the aircraft has to leave the ground.

comment

623

comment by: *easyjet safety*

(c) Comment: "standby when it is likely to induce fatigue" is imprecise. All Airport Standby will induce fatigue and all home standby imposes restraints that will induce stress and therefore fatigue.

Proposal: Delete "when it is likely to induce fatigue." Add new sentence. "The extent to which standby is accountable for Flight Time Limitation controls must be defined within an operators flight time specification scheme."

comment 624

comment by: *easyjet safety*

Comment: There is no definition of "Cabin Crew member."

Proposal: " A person employed to facilitate the safety of passengers whose duties are detailed by the operator or aircraft Commander. Such persons will not act as a member of the flight crew."

Comment: There is no definition of "Crew Member"

Proposal: " A member of the flight crew or cabin crew."

comment 625

comment by: *easyjet safety*

(f)

Comment: FDP should only apply to operating crew members.

Proposal: amend to read: " a period during which a crew member operates in an aircraft and which commences....." and " at the end of the last flight on which they are an operating crew member."

comment 626

comment by: *easyjet safety*

(g)

Comment: Requires further clarification.

Proposal: Add " and where under normal conditions the operator is not responsible for providing accommodation for the crew member."

comment 627

comment by: *easyjet safety*

j)

Comment: Requires further clarification

Proposal: Change to read: "Time available for rest and relaxation free from all duties. A single day free from duty shall include two local nights. Consecutive days off shall include a further local night for each additional consecutive day off. A rest period may be included as part of a day off."

comment 628

comment by: *easyjet safety*

(o)

Comment: Creates undue complexity and fails to take into account the influence of local time zeitbergers.

Proposal: Amend to read: " Within a band of three time zones the WOCL refers to local time at the place of report."

comment 717

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty,

even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 849

comment by: Jill Pelan

#### **OR OPS 010 FTL DEFINITIONS**

(a) "Augmented flight crew means....."

**Amended text proposed** : 'Augmented cabin crew' means a cabin crew complement which comprises more than the minimum number required to operate the aircraft and within which each fully qualified cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;

**JUSTIFICATION** : When operating flights with in-flight break the minimum cabin crew should be on duty in order to attend in-flight emergencies appropriately.

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, and ~~standby when it is likely to induce fatigue;~~

**Replace: airport standby and all other forms of standby**

**JUSTIFICATION** : BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q OPS 1.1125 should be taken into account. The mentioned OPS reads:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

**Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.**

**Request:** AMC or GM is needed to define whether standby other than airport standby generates fatigue or not. Further scientific is needed. The MOEBUS study could not establish criteria to what extent standby has to taken into account when counting cumulative duty hours. This is needed in order to meet the ER that establishes that the latest scientific and technical evidence shall be taken into account when proposing new FTL IR.

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on

which they are a crew member;

**TEXT Replacement:** after the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped allowing for safety and security related tasks to be completed, at the end of the last flight on which they are a crew member and When all passengers have disembarked on commercial operations and crew duties and checks have been completed as required by the authorities and operators.

**Justification & Reason:** Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and its limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

(g) **"Home base"** means the location nominated by the operator to the crew member from where the crew member normally starts & ends a duty period or series of duty periods

**Replace with the addition :** " and where the operator does not provide rest accommodation"

**Reason & JUSTIFICATION :** If left as such the operator may consider "home base" as a lay over with rest accommodation & use minimum rest periods as in Section VIII "Flight and Duty time limitations and rest requirements" CS FTL 1.155 (b). This has been suggested by the French authorities....

(i) 'Local night' means a period of eight hours falling between 22:00 hours and 08:00 hours local time;

**Replace:** ten hours falling between 22:00 hours and 10:00

**Reason:** The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place\* and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

**\*Replace by** " designated Home base" as defined by (g) in the definitions

**Reason :** If the "designated reporting place" is not the "home base" then "a place of rest" must be provided as in the latter part of this definition .

**Replace:** time, limited to one hour for local transfer from a place of rest to the commencement of duty and vice versa

**Reason:** The place of rest away from home base is chosen by the operator, if for any reason the operator chooses a place further away than a one hour transfer from the reporting point, the transfer time should be counted as FDP as it generates fatigue.

**OR.OPS.015.FTL Operator responsibilities**

(a) publish duty rosters sufficiently in advance to provide the opportunity for crew members to plan adequate rest;

**Request:** What does sufficiently mean? CS should establish what sufficiently in advance means in days.

**Reason & JUSTIFICATION :** Not knowing when a crew member will be scheduled for a duty in advance is stressful and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

**Insert at the beginning:** "*when scheduling,*"

**Reason:** In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

**Request:** AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

**Supported, but the term day and night duties should be defined (see UK CAP 371).**

**Request:** AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

**Reason:** Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

**Request:** The advance needs to be defined in CS or AMC.

**Reason:** See reason to OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

**Replace:** provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

**Reason:** **Hypoglycaemia** and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule during a scheduled seasonal period.

**Replace:** arrangements, the latest  
33%

**Reason:** See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. OPS 1.1105 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season.

#### **OR.OPS.025.FTL Fatigue Risk Management System (FRMS)**

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

**Comment:** This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

**Replace & add:** crew members have the right to refuse flight duty when suffering from fatigue of such a nature that they feel they may not be able to safely continue duties. This should not be contested by operators or authorities.

**Reason :** ICAO Annexe 6- 2.3.2. "an important safeguard may be established if states and operators recognise the right of a crew member to refuse further flight duty when suffering from fatigue of such a nature as to adversely affect the safety of flight"

French legislation : Decree of 11 July 1991 relative to fatigue of crew members:

"A crew member must abstain from duty if she/he feels any type of deficiency that leads Him/her to believe that she/he may not have the necessary aptitude to exercise his/her duties".

#### **OR.OPS.035.FTL Flight Duty Period (FDP)**

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their discretion, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**Replace:** "discretion, and after consultation with the crew members affected"

**Add at the end:** A copy of this report shall be made available to all affected crew members

**Reason:** The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.

As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

#### **OR.OPS.040.FTL Flight times and duty periods**

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

~~(1) in any seven consecutive days; and~~

~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

~~(1) in any 28 consecutive days; and~~

~~(2) in any 12 consecutive calendar months.~~

**Replace with :** (a) The total duty periods to which a crew member is assigned, spread as evenly as possible throughout their respective period:

**(1) 60 hours in any seven consecutive days; and**

**(2) 180 hours in any 28 consecutive days;**

**(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as possible throughout their respective period:**

**(1) 100 hours in any 28 consecutive days; and**

**(2) 900 hours in any 12 consecutive calendar months.**

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything possible within their operational limits to comply with this.

**Art. 22 2. (a) BR** establishes that substantive provisions of Subpart Q should be included in IR. The total amount of duty and flight hours must be considered a substantive provision.

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

#### **OR.OPS.050.FTL Standby duty**

**(a) Aerodrome / Operating standby duty shall count in full for the purpose of cumulative duty hours**

**Request :** Standby duty whether on aerodrome or elsewhere should count for 1/2 of FDP

**Reason :** It is not reasonable to expect crew to maintain high levels of

**vigilance on a long flight after 6/7 hrs of standby.**

( c ) Aerodrome/Operating standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period

**Request : Home or hotel standby duty should also be followed by a designated rest period**

**Reason : Hotel standby may otherwise be followed by a long haul flight without adequate rest.**

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and comfortable place not accessible to the public.

**Request: AMC or G M should recommend what is to be considered "comfortable".**

**General limitations for standby other than airport standbys should be mentioned in OR.OPS.050FTL.**

**OR.OPS.320.FTL Records of flight and duty times and rest periods**

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

(a) Flight, duty and rest period records, including, for a period of 15 months:

(1) flight times;

(2) start, duration and end of each duty or Flight Duty Period; and

(3) rest periods and days free of all duties;

(b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

**Replace:" maintain and make accessible to the crew member on request"**

**Insert: (a) (4) time spent on standby duty**

**Reason: To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.**

**OR.OPS.335.FTL Flight Duty Period (FDP)**

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

~~(a) Maximum basic daily FDP;~~

~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~

~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~

~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:~~

~~(1) the number of sectors flown;~~

~~(2) FDPs within the WOCL;~~

~~(3) a maximum number of extensions for a consecutive number of days;~~

~~(4) increased pre and post flight minimum rest periods;~~

~~(5) periods off duty on ground during a single FDP;~~

~~(6) the minimum of in-flight break allocated to each crew member; and~~

~~(7) the augmentation of the basic flight crew~~

**Replace: Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type**

of operation:

- (a) Maximum basic daily FDP of 13 hours;
- (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown (These 13 hours will be reduced by 30 minutes for each sector after the first.);
- (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) with a maximum FDP of 10 hours for FDPs that encompass the WOCL;
- (d) Conditions for extensions of the maximum basic daily FDP, taking into account:
  - (1) the number of sectors flown;
  - (2) FDPs within the WOCL;
  - (3) a maximum number of extensions for a consecutive number of days;
  - (4) increased pre and post flight minimum rest periods;
  - (5) periods off duty on ground during a single FDP;
  - (6) the minimum of in-flight break allocated to each crew member
  - (7) the augmentation of the basic flight crew; and
  - (8) the augmentation of the basic cabin crew

**Reason:** The B R Art. 22 2. (a) states that I R shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

Taking into account latest scientific evidence, the MOEB US study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

#### **OR.OPS.350.FTL Standby duty**

- (a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:
  - (1) A determination of the maximum length of any standby duty;
  - (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;
  - (3) ~~A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~
  - (4) ~~How standby times are counted for the purposes of cumulative duty hours.~~
- (b) Where commercial operators assign crew members to standby duty, the following shall be considered, taking into account the type of operation:
  - (1) Standby duty shall be rostered and the affected crew members shall be notified in advance;
  - (2) The start and end time of the standby duty shall be defined and the affected crew members shall be notified in advance;
  - (3) Aerodrome/operating site standby duty shall start from the crew member reporting at the designated normal report point and shall end as notified.

**Request:** regarding (a)(1), CS, issued by EASA, should establish the

maximum length of any standby duty.

**Reason & JUSTIFICATION :** BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).

**Request:** regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent.

2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.

**Reason: 1.-** The MOEBUS study suggests in the answer to question 14: *... we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty...*, leading to the conclusion that it should be considered as FDP.

**2.-** Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

**Replace (a)(3):** The minimum rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;

**Reason:** BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1110 1.1. establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater; a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.*

**Replace: (4)(1)** Standby times spent on airport standby are counted for the purposes of cumulative duty hours. (4)(2) How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

**Reason:** BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1125 establishes that *Airport standby will count in full for the purposes of cumulative duty hours.*

**Request regarding (4)(2):** The MOEBUS study suggests in the answer to question 16 that scientific studies on guidelines for the counting of time spent on standby (other than airport standby) would be difficult to undertake; BR 216/2008 art. 192. (a) mandates EASA to issue CS based on national best practices (i.e. UK CAP 371 22.3 Section B Page 14).

**Request regarding (b)(1) + (2): notified in advance, EASA should issue AMC on the meaning of "notified in advance".**

**Reason:** The term in advance in itself only means beforehand. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

### **OR.OPS.355.FTL Rest periods**

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- (a) ~~Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~
- (b) ~~Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- (d) ~~Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

**Replace:** (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

**Reason:** Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

**Replace:** (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

**Reason:** The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

**Request regarding (c):** Art. 19 2.(a) mandates EASA to develop CS

reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:

**The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].**

The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

**Replace: (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.**

**Reason: BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;**

#### **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

**Comment: The provisions on maximum daily FDP should be reflected in IR.**

**Reason: Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a)).**

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below:~~

~~...~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre-flight and post-flight rest periods are increased by two hours, or post-flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

**Comment: Delete point (b)**

**Reason:** The proposed IR should take into account the latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)); the MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study).

(c) FDP with different reporting time for flight crew and cabin crew  
~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

**Replace:** In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

**Reason:** In order to take into account the latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

#### **CS FTL.1.140 Flight times and duty periods**

~~(a) The total duty periods to which a crew member is assigned shall not exceed:~~  
~~(1) 60 duty hours in any seven consecutive days;~~  
~~(2) 190 duty hours in any 28 consecutive days.~~

**Replace:** (a) The total duty periods to which a crew member is assigned shall not exceed:  
 (1) 60 duty hours in any seven consecutive days;  
 (2) 180 duty hours in any 28 consecutive days.  
 (3) 100 duty hours in any 14 consecutive days.

**Reason:** See reason for proposed change to OR.OPS.040.FTL. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:  
 (1) 100 flight hours in any 28 consecutive days;  
 (2) 900 flight hours in any 12 consecutive calendar months.

**Comment:** The limits reflected in (b) should be reflected in IR; they are

**to be considered substantive provisions of Subpart Q E U OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.**

(c) The total duty periods and total flight times referred to in (a) and (b) above should be spread as evenly as practicable throughout their respective periods.

**Replace:** "possible"

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything possible within their operational limits to comply with this.

### **CS FTL.1.155 Minimum Rest Period**

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:** The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

### **CS FTL.1.160 Un foreseen circumstances in actual flight operations – discretion by the pilot in command**

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155

(b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

**Replace with: "flight and cabin"**

**Reason: When developing CS the Agency should reflect scientific and technical knowledge, The MOE BUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore an order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.**

**Delete: (2)**

**Reason: CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).**

**Replace: (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in OR.OPS.335.FTL Flight Duty Period (FDP) and CS FTL.1.135 Maximum daily Flight Duty Period (FDP).**

**Reason: The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. "No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period."**

#### **AMC OR.OPS.015.FTL(I) Operator responsibilities**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

**Replace: arrangements, the latest**

**Reason: The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.**

#### **AMC OR.OPS.330.FTL(c) Flight time specification schemes for commercial operators**

(b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.

**Replace: "crew member representatives and how these are elected"**

**Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.**

**AMC OR.OPS.040.FTL Flight times and duty periods**

(a) The total duty periods and total flight times referred to in OR.OPS.040.FTL (a) and (b) should be spread as evenly as practicable throughout their respective periods.

(b) In addition to the time periods specified in OR.OPS.040.FTL, operators may include additional limitations, such as duty hours in any 14 consecutive days, if considered useful for fatigue mitigation.

**Replace: (a) possible**

**Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything possible within their operational limits to comply with this.**

**Comment: (b) This provision should be in IR or at least in CS.**

**Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours.**

comment

1065

comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL: add new definition:

**Acclimatised: A crew member will be or become acclimatised after having spent 3 consecutive local nights on the ground within a time zone which is 2 hours wide, and was able to take uninterrupted night sleep. The crew member will remain acclimatised thereafter until a duty period finishes at a place where local time differs by more than 2 hours from that at the point of departure and to which the crew member was acclimatised to; now the crew member became non-acclimatised.**

Justification:

Strong recommendation from the medical review (Moebus Aviation):

Define acclimatization and develop appropriate rules to address the effect of de-synchronization.

comment 1066 comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FT: Add definition for crew rest facility as follows :

Crew rest definitions:

(1) Bunk facility: It should be completely separated (curtain not accepted) from cockpit and passenger compartment and should be adequately insulated and situated to minimize random and aircraft noise and light (maximum noise level has to be defined in accordance with acceptable requirement for sleeping). It should contain one or two horizontal sleeping surfaces of adequate size (that should be defined as well, and mattress equipped). It also has a comfortable seat, climate and humidity control (with minimum performance specifications). Accessories such as ears caps, eyes masks, blankets and pillows should be provided.

(2) Seat facility: It should be separated from cockpit and passenger by the mean of curtains or partitions and equiped with adjustable headrest, armrest and footrest. Its back should incline by at least 60° from horizontal and the seat's wide shouldn't be less than 60 cm between armrest. Accessories such as ears caps, eyes masks, blankets and pillows should be provided to minimize light or noise effects.

Justification:

Many companies, mainly charters, operate long haul flights with aircraft which are not crew rests equipped.

In such companies, business classes don't exist or if they do, are underrated (in term of comfort) compared with main operators.

In addition, augmented crew regulation in term of FDP extension due to in-flight rest is diverted from its purpose by operators using it on round trip medium range sectors, with aircraft which are not crew rests equipped.

In order to avoid those diversions and to enable crew members to effectively rest during flight, it seems important to precisely define what equipment can reasonably be considered as crew rests.

The final target should be to avoid in the future, that any constructor could sell long haul aircraft with no acceptable crew rests.

See also Moebus study.

comment 1067 comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FT: add the following definition:

**In-flight break** is a period free of all duties, included in a flight, which counts as flight duty.

Justification:

"in-flight break" constitutes an expression on its own and shall be clearly separated from "break" or "rest"

comment 1068 comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL: add new definition:

**Break** means a period free of all duties, not included in a flight, which counts as duty, being less than a rest period.

Justification:  
Definition to be added. Used for split duty if it is still allowed.

comment 1069 comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL (c):

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, **airport standby and other forms of and** ~~standby in an a limited way but always when it is likely to induce fatigue;~~

Justification:

Strong support for the clarification using examples. Even if rather obvious, these points have lead to discussions under Subpart Q. All airport standbys shall count as duty; other forms of standby shall count as duty in a limited way. See also OR.OPS.050.FTL for further information.

Moreover, "when it is likely to induce fatigue" should be deleted. Standby IS duty !

comment 1070 comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL (b)(4): rewording required:

"at rest" for a balloon is not precise enough. It may be interpreted as requiring the balloon to be deflated.

comment 1071 comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL (d):

The change from EU OPS on the wording, from "*commence a duty*" to "*report for commencing a duty*" has been noted, but it is accepted.

comment 1072 comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL(f): change text as follows:

Flight duty period means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes when ~~the aeroplane finally comes to rest and the engines are shut down at the end of the last flight on which he/she is a flight crew member and when all safety related duties are terminated. all safety related duties are terminated after the aeroplane finally comes to rest and the engines are shut down at the end of the last flight on which he/she is a flight crew member.~~

Justification:

OPS 1.085 (f) defines that a flight lasts until the commander has left the aircraft.

In contrast, OR.OPS.010.FTL (f) does not properly address safety related duties associated to the flight and relevant to the safety of the passengers, its cargo or the aircraft under the fatigue aspect. These duties shall be considered flight duty for all flights of a flight duty period except for the last one.

The definition of a Flight Duty Periods in this scheme must consider that not only the safety related duties of the initial flights are counted as flight duty but also the safety related duties required at the end of the last flight. These duties must be completed without crew members being unacceptably fatigued which otherwise would challenge the safety of their passengers, cargo or aeroplane. Dependant on the operation, the flight duty period may not automatically terminate when the aeroplane comes to rest and the engines are shut down. In cases where the crew's responsibility for the safety of the passengers, the cargo or the aeroplane continues beyond on blocks, the FDP must continue until this responsibility ends.

The text does not state an end of the FDP for sailplanes and balloons as mentioned in definition of "*Flight time (b)*".

comment

1073

comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL(i):

(i) **Local night** means a period of **eight to n** hours falling between 22:00 hours and 10:00 hours local time;

Justification:

The present wording using "... a period of 8 hours falling between 22:00 and 10:00" derives from a required 8 hour sleep period. Due to the time required for physical need as well as for transferring from/to the place of duty to the present definition does not sufficiently protect the sleep during the WOCL. Consequently the medical evaluation recommends a period of 10 hours falling between 22:00 and 10:00 LT. (See also Moebus study)

comment

1074

comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FT (I):

**Positioning** means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place **at the home base** and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa; **should a single transfer exceed 30 minutes the excess must be counted as positioning.**

Justification:

"Designated reporting place" shall be supplemented by "home base". Otherwise the "designated reporting place" could be altered as needed which would transfer factual positioning from duty to rest.

To prevent infinite local transfer especially prior to a FDP, a limitation must be included:

"Local transfer exceeding one hour shall count as positioning".

comment

1076

comment by: ECA - European Cockpit Association

Comment on OR.OPS.010.FTL(o): change as follows:

**Window of Circadian Low (WOCL)** means the period between 02:00 hours and 05:59 hours. Within a band of ~~three-five~~ time zones with the home base time zone in the middle the WOCL refers to home base time. ~~Beyond these three time zones the WOCL refers to home base time for the first 48 hours after departure from home base time zone and to local time thereafter. For the first 48 hours after reporting for a duty period which terminates outside the band as described above the WOCL refers to home base time and to local time thereafter.~~

Justification:

The present definition is rather ambiguous and requires further interpretation. The reference to home base is misleading. Reference should be made to the last time zone where the crew member has spent 48 hours or more. Initially, the text should be adjusted to meet the following guide line:

The "band of three time zones" shall be understood as a string band with a length of up to two hours attached to the home base local time on one end and the destination local time on the other. Thus flights from a place with a time difference of up to two hours east of the home base local time to a place with a time difference of up to two hours west of the home base local time or vv. could be operated with reference to home base time, provided that the crew member has not taken a rest period outside this band since leaving home base:

Whenever a crew member, who stayed within the band as described above, ends a duty at a place with a difference in local time of more than 2 hours to the start of this duty, i.e. when a crew member becomes (... and also when already non- acclimatized):

- (1) The following rest periods shall not be less than 14 hours until the crew member becomes acclimatized again.
- (2) Upon return to home base at least a single day free of duty shall be given.

The Scientific and Medical Evaluation of Flight Time Limitations explicitly demands provisions to resynchronize crews which were exposed to time zone transitions (see page 37 of the report).

comment

1087

comment by: AEA

**Relevant Text:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

**Comment:**

Editorial

**Proposal:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa.

comment

1190

comment by: Sven Freisenich

## Definitions (c) Duty

Wording is too imprecise. Not all standby is duty or induces fatigue. How is fatigue due to standby to be determined? Same applies to rest, where the operator also cannot assess fatigue. Perhaps EASA means "Standby duty" (OR.OPS.050.FTL), which is included in "duty" anyhow. Therefore "...and standby when is likely to induce fatigue." shall be deleted.

## Definitions (n) Standby

Therefore, add new definition clearly specifying "Standby duty" means "Aerodrome/operating site standby" as used in OR.OPS.050.FTL and OR.OPS.350.FTL, e.g. "standby duty" is the only standby that is likely to induce fatigue.

## Definition (e) Flight crew member and (k) Operating crew member

Definitions are confusing. What is the difference between "assigned to duty" and "carries out their duty". EASA shall clarify why they need both definitions.

## Definition (j) a single day free of duty

Delete this definition, as this is only used under OR.OPS.010 Definitions, and nowhere else in this NPA.

Motivation: This is not a safety issue, but a social issue and does not belong in these requirements. Days off are already covered by the European Working Time Directive.

## Definition (l) positioning

Editorial: "means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa;"

## Definition (o) Window of Circadian Low

-Although definition is the same as in EU-OPS it is still unclear and leaves room for different interpretations.

-Change "band of three time zones" into "three hours time difference".

-EASA shall better define "departure from home base time zone": does it mean when the time zone is left or does it mean when previous FDP at home base started ?

-A crew member can be en-route for 10 days from eg. AMS tot DXB to BKK to HKG to SYD to BKK to DXB. Then on departing from DXB to AMS he would have to use "home base time" after having been used to far greater time differences for the last 10 days. In fact using AMS time would enhance the negative effect of time zone crossings. The same problem appears when home base is AMS and crew member operates for 10 days in Africa. He would have to use AMS time while he is acclimatised to Africa time.

**Proposed definition:**

WOCL means the period between 02:00 hours and 05:59 hours. WOCL refers to home base time.

Beyond three **hours** time difference **AND** beyond 48 hours after departure from home base time, WOCL refers to local time.

comment 1281

comment by: Dassault Aviation

Technical comment:

Page 25 OR.OPS.010.FTL Definitions: First comment is on definition of "Flight Duty Period (FDP)": bearing in mind the fatigue issue, a simulator session

should be considered as integral part of FDP. Indeed, there is nothing uncommon to see a flight crew member jumping from the simulator to the aircraft or vice versa. Rostering a four hours simulator session and an onward ten hours flight duty is definitely not a safe practice. In fact, the pilot should be tired at take off time and psychologically not fit to operate a normal flight (he is still in the simulator session, dealing with emergency procedures). Second comment is on definition of "Standby": Airport and home standby (also called reserve) should be differentiated since the fatigue generated by an airport standby is noticeably greater than the one generated by a home standby.

comment

1289

comment by: UK CAA

**Page No:** 25**Paragraph No:** OR.OPS.010.FTL

**Comment:** OR.OPS.010.FTL breaks down the word "crew member" into "flight crew", "cabin crew" and "technical crew" members. A definition for "flight crew" is given at (e) but no definitions are given for other crew members.

**Justification:** Include for completeness

**Proposed Text (if applicable):**

"Cabin crew member" means those members of the crew carried for the purpose of performing duties in relation to the safety of passengers and who shall not act as a member of the flight crew or technical crew.

"Technical crew member" means those members of the crew carried for the purpose of duties other than cabin or flight crew who are needed to operate specified equipment or to carry out specified tasks and who shall not act as a member of the flight crew or cabin crew.

comment

1291

comment by: UK CAA

**Page No:** 24

**Paragraph No:**  
OR.OPS.010.FTL(b)(2)

**Comment:**

The definition of 'Flight' would impact current practice so that, where it has been previously accepted that helicopters may ground taxi for the purpose of positioning to embark passengers *without* being considered in flight, the new definition would require accounting for ground taxi time as flight. Offshore operators, in particular, could lose up to 20 minutes of available total flight time per flight.

**Justification:**

The new definition of 'flight' would unreasonably impact on current practice by requiring ground taxiing to be accounted for as flight.

**Proposed Text (if applicable):**

For helicopters, the total time from the moment, after the embarkation of its crew for the purpose of taking off, when it first moves under its own power until the moment when it next comes to rest after landing;

comment

1292

comment by: UK CAA

**Page No:** 24**Paragraph No:**  
OR.OPS.010.FTL (c)**Comment:**

The definition of "duty" in this subparagraph (although virtually identical to that in Amendment 33 to ICAO Annex 6 Part 1) could be simplified and made more explicit. It is thought that all tasks within a duty have the potential to induce fatigue so the sub-clause "likely to induce fatigue" is considered to be irrelevant. It is further suggested that the definition should be amended to remove the possibility of an argument being put forward at some later stage that a particular task did not count for duty purposes, as it was not a fatigue inducing task or duty.

**Justification:**

Additional clarification / simplification.

**Proposed Text (if applicable):**

"Duty" means any period during which a crew member is required by the operator to perform any task associated with the business of the operator.

comment

1294

comment by: UK CAA

**Page No:** 25**Paragraph No:** OR.OPS.010.FTL (o)**Comment:**

The time period given for the "Window of Circadian Low" (WOCL), is related to the local time of the zone to which the individual is (or has become) acclimatised. Whilst the current definition does eventually explain this, it is suggested that the definition could be made more clear. The suggested text tries to provide this extra clarity.

**Justification:**

Extra clarity.

**Proposed Text (if applicable):**

~~The Window of Circadian Low (WOCL) is the period between 0200 and 0559 hours. Within a band of three time zones the WOCL refers to home base time. Beyond these three time zones the WOCL refers to home base time for the first 48 hours after departure from home base time zone, and to local time thereafter.~~

*"Window of Circadian Low (WOCL)" means the period between 0200 hours and 0559 hours local time of the zone to which the individual is (or has become) acclimatised. Provided an individual remains within a band of 3 time zones (i.e. a total of 2 hours time difference) the WOCL refers to local "home base" time. Beyond these 3 time zones the WOCL refers to home base time for the first 48 hours after departure from home base time zone and to local time thereafter.*

comment

1468

comment by: M Wilson-NetJets

**Original text:**

(o) 'Window of Circadian Low (WOCL)' means the period between 02:00 hours and 05:59 hours. Within a band of three time zones the WOCL refers to home base time. Beyond these three time zones the WOCL refers to home base time for the first 48 hours after departure from home base time zone and to local time thereafter.

**Suggested new text:**

(o) 'Window of Circadian Low (WOCL)' means the period between 02:00 hours and 05:59 hours.

**Comment/suggestion:**

OR.OPS.010.FTL is the definitions paragraph of the IR. The research on acclimatization of aircrew is scientifically still immature and mainly focused on scheduled operations. The inclusion of a form of acclimatization in the definition paragraph of an IR does not allow unscheduled/on-demand operators to improve safety in the future when more research and experience has been accumulated for non-scheduled acclimatization of aircrew. Therefore it is suggested to remove the acclimatization part of the WOCL definition and publish it in the CS or AMC part of the legislation.

comment

1476

comment by: M Wilson-NetJets

**Original text:**

(g) 'Home base' means the location nominated by the operator to the crew member from where the crew member normally starts and ends a duty period or a series of duty periods;

**Suggested new text:**

No suggested text

**Comment/suggestion:**

Home base is centralized operator concept and to allow other types of operations (mainly decentralized) to be able to devise the most flexible, safe and economically advantageous FTL scheme the definition should not be defined in an IR but in the CS/AMC part of the regulation.

comment

1561

comment by: British Airways

Augmented Flight Crew – defined but not used for any purpose within the NPA apart from FRMS references. How do we include augmentation as part of the extension of Flying Duty Periods?

Duty – we propose an alternative definition – *'Any continuous period during which a crew member is required to carry out any task associated with the business of an aircraft operator.'*

Positioning – Include the word 'excluding' in text to read: 'Positioning' means

the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa

Standby Duty – we propose an alternative definition - *'A period during which an operator places restraints on a crew member who would otherwise be off duty. However, it shall not include any time during which an operator requires a crew member to be contactable for the purpose of giving notification of a duty which is due to start 10 or more hours ahead.'*

Split Duty – there currently isn't any definition of what constitutes a 'Split Duty'. The following definition needs to be added.

*'A single flying duty period containing opportunity for rest on the ground of less than a minimum rest period, the portion preceding the rest being an operating or positioning sector, or a simulator duty which counts as a sector for this purpose.'*

WOCL (window of circadian low) – The proposed definition refers to 'a band of three time zones', however not all time zones are an hour wide (e.g. India). Should this definition refer to within three **hours** of home base time not three time zones.

comment 1602

comment by: TAP Portugal

**Relevant Text:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

**Comment:**

Editorial

**Proposal:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa.

comment 1801

comment by: KLM

Relevant Text: 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

**Comment:** Editorial

**Proposal:** 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa

comment 1847

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF propose:

(a) **Insert:** 'Augmented cabin crew' means a cabin crew complement which comprises more than the minimum number required to operate the aircraft and within which each fully qualified cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;

Reason: When operating flights with in-flight break the minimum cabin crew should be on duty in order to attend in-flight emergencies appropriately.

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, ~~and standby when it is likely to induce fatigue;~~

**Replace:** airport standby and all other forms of standby

Reason: The MOEBUS study in its answer to question 15 establishes that sleep taken on standby is shorter and of poorer quality and therefore induces fatigue. Moreover, BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q OPS 1.1125 should be taken into account. The mentioned OPS read:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.

Request: CS, AMC or GM is needed to define to what extent standby other than airport standby generates fatigue. The MOEBUS study in its answer to question 15 reports that sleep taken is shorter and of poorer quality. They propose a sliding scale and call for further scientific research. This is in line with the requirements of Art 19, 2. of Regulation 216/2008.

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes ~~when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on which they are a crew member;~~

**Replace:** When all passengers have disembarked on commercial operations and crew duties and checks have been completed as required by the authorities and operators;

Reason: Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and its limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

(i) 'Local night' means a period of ~~eight hours falling between 22:00 hours and 08:00 hours~~ local time;

**Replace:** ten hours falling between 22:00 hours and **10:00**

Reason: The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a ~~designated reporting place~~ and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

**Replace:** their designated home base as defined in (g) OR.OPS.010.FTL

Reason: The home base is the designated reporting place after resting at home.

comment

1865

comment by: Gordana BOBERIC

(a)

Insert: 'Augmented cabin crew' means a cabin crew which comprises more than the minimum number required to operate the aircraft and within which each cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;

Reason: When operating flights with in-flight break the minimum cabin crew should be on duty in order to attend in-flight emergencies appropriately.

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, ~~and standby when it is likely to induce fatigue;~~

Replace: airport standby and standby other than airport standby

Reason: BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q OPS 1.1125 should be taken into account. The mentioned OPS reads:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.

Request: AMC or GM is needed to define whether standby other than airport standby generates fatigue or not. Further scientific is needed. The MOEBUS study could not establish criteria to what extent standby has to taken into account when counting cumulative duty hours. This is needed in order to meet the ER that establishes that the latest scientific and technical evidence shall be taken into account when proposing new FTL IR.

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on which they are a crew member;

Replace: a certain amount of time after the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped allowing for safety and security related tasks to be completed, at the end of the last flight on which they are a crew member;

Reason: Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and it's limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

(i) 'Local night' means a period of ~~eight hours falling between 22:00 hours and 08:00~~ hours local time;

Replace: **ten** hours falling between 22:00 hours and **10:00**

Reason: The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

Replace: time, *limited to one hour* for local transfer from a place of rest to the commencement of duty and vice versa

Reason: The place of rest away from home base is chosen by the operator, if for any reason the operator chooses a place further away than a one hour transfer from the reporting point, the transfer time should be counted as FDP as it generates fatigue.

comment 1923

comment by: FSC - CCOO

(a)  
Add:

'Augmented cabin crew' means a cabin crew compliment which comprises more

than the minimum number required to operate the aircraft and within which each fully qualified cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;

Reason: When operating flights with in-flight break the minimum cabin crew should be on duty in order to attend in-flight emergencies appropriately.

comment 1924

comment by: FSC - CCOO

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, ~~and standby when it is likely to induce fatigue;~~

Replace: airport standby and all other forms of standby

Reason: The MOEBUS study in its answer to question 15 establishes that sleep taken on standby is shorter and of poorer quality and therefore induces fatigue. Moreover, BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q OPS 1.1125 should be taken into account. The mentioned OPS read:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.

Request: CS, AMC or GM is needed to define to what extent standby other than airport standby generates fatigue. The MOEBUS study in its answer to question 15 reports that sleep taken is shorter and of poorer quality. They propose a sliding scale and call for further scientific research. This is in line with the requirements of Art 19, 2. of Regulation 216/2008.

comment 1925

comment by: FSC - CCOO

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes ~~when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on which they are a crew member;~~

Replace: When all passengers have disembarked on commercial operations and crew duties and checks have been completed as required by the authorities and operators;

Reason: Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and

its limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

comment 1926 comment by: FSC - CCOO

(i) 'Local night' means a period of ~~eight hours falling between 22:00 hours and 08:00~~ hours local time;

Replace: **ten** hours falling between 22:00 hours and **10:00**

Reason: The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

comment 1927 comment by: FSC - CCOO

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a ~~designated reporting place~~ and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

Replace: their designated home base as defined in (g) OR.OPS.010.FTL

Reason: The home base is the designated reporting place after resting at home.

comment 2117 comment by: AUSTRIAN Airlines

**Relevant Text:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

**Comment:**

Editorial

**Proposal:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa.

comment 2272 comment by: kapers Cabin Crew Union

(a)

Insert: 'Augmented cabin crew' means a cabin crew compliment which comprises more than the minimum number required to operate the aircraft and within which each fully qualified cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;

Reason: When operating flights with in-flight break the minimum cabin crew

should be on duty in order to attend in-flight emergencies appropriately.

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, ~~and standby when it is likely to induce fatigue;~~

Replace: airport standby and all other forms of standby

Reason: The MOEBUS study in its answer to question 15 establishes that sleep taken on standby is shorter and of poorer quality and therefore induces fatigue. Moreover, BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q *OPS 1.1125* should be taken into account. The mentioned OPS read:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.

Request: CS, AMC or GM is needed to define to what extent standby other than airport standby generates fatigue. The MOEBUS study in its answer to question 15 reports that sleep taken is shorter and of poorer quality. They propose a sliding scale and call for further scientific research. This is in line with the requirements of Art 19, 2. of Regulation 216/2008.

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes ~~when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on which they are a crew member;~~

Replace: When all passengers have disembarked on commercial operations and crew duties and checks have been completed as required by the authorities and operators;

Reason: Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and its limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

(i) 'Local night' means a period of ~~eight hours falling between 22:00 hours and 08:00 hours local time;~~

Replace: **ten** hours falling between 22:00 hours and **10:00**

Reason: The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is

scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a ~~designated reporting place~~ and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

Replace: their designated home base as defined in (g) OR.OPS.010.FTL

Reason: The home base is the designated reporting place after resting at home.

comment

2390

comment by: BALPA

Section (a) - Augmented flight crew

Please advise where we can find a definition of an "inflight break."

The NPA does not mention the process for which "Augmented flight crew" are used (extension of a FDP) and also makes no provision for the balance of rest between crewmembers.

Section (b) - Flight time

The NPA states that the aircraft has only to move from its parking position for the purpose of taking off. Please clarify the situation if a crew return to stand after pushback but before getting airborne. Will this count as Flight time? Our suggestion would be to incorporate the words "after landing" to avoid confusion. Section (b2) makes the definition clear.

The Maximum daily Flight Duty Period tables found in CS.FTL.1.135 still refer to *sectors* rather than Flight time. There is no definition of Sector within OR.OPS.010.FTL - please clarify.

Section (c) - Duty

We don't agree with "...and standby when it is likely to induce fatigue" being an example. We believe that duty is duty and should be counted as such.

Section (g) - Home base

Please clarify the word "normally". How would this section view a crewmember having one "home base" that included multiple departure points (LGW and LHR or MXP, LIN and BGN)? It is essential that an individual only has one reporting point to avoid excessive travelling time, that will cause fatigue. See also response to AMC.OR.OPS.FTL (b) NOMINATION OF A HOME BASE.

Section (i) - Local night

This section needs to take into account the recommendations from the Moebius report - "2200 to 1000".

Section (j) - A single day free of duty

The NPA has no definition of a "single day". What definition would you use for consecutive periods free of duty i.e. 2 days free of duty? If the definition was changed to Day off this could include one "Local Day" and two "Local nights" which have already been defined?

Section (k) - Operating crew member

For the avoidance of doubt, we believe including "or during any part of the flight" should be included at the end of the sentence.

Section (l) - Positioning

The time spent positioning should be counted as duty. There is no mention of this in this section. However, this is covered in OR.OPS.045. Please confirm that any time spend Positioning is counted as duty.

"..designated reporting place.." needs to be replaced by "Homebase".

**General comments**

Further to our comments in CS.FTL.1.135, a definition of "non-acclimatised" is required.

comment

2597

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

**Comment:**

Editorial

**Proposal:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa.

comment

2678

comment by: *M Wilson-NetJets*

**Original text:**

(k) 'Operating crew member' means a crew member who carries out their duties in an aircraft during a flight;

**Suggested new text:**

(k) 'Operating crew member' means a crew member who carries out **his/her** duties in an aircraft during a flight;

**Comment/suggestion:**

Crew member is singular and plural used in the sentence.

comment

2821

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

Definition of 'flight time'

**Comment:**

For aeroplanes in CAT, the definition given here is traditionally assigned to the term '**block** time':

EU OPS 1.1095 1.2. Block time:

The time between an aeroplane first moving from its parking place for the purpose of taking off until it comes to rest on the designated parking position and all engines or propellers are stopped.

'Flight time' was not used at all for FTL purposes in EU OPS Subpart Q

**Proposal:**

Re-align all definitions with EU OPS, ensure continuity of terminology for legal certainty.

comment

2822

comment by: *Deutsche Lufthansa AG***Relevant text:**

Definition of 'duty'

**Comment:**

For aeroplanes in CAT, the current definition is as follows:

EU OPS 1.1095

1.4. Duty:

Any task that a crew member is required to carry out associated with the business of an AOC holder. Unless where specific rules are provided for by this Regulation, the Authority shall define whether and to what extent standby is to be accounted for as duty.

**Proposal:**

Re-align all definitions with EU OPS, ensure continuity of terminology for legal certainty.

comment

2920

comment by: *Gregor Rozina*

(a)

Insert: 'Augmented cabin crew' means a cabin crew which comprises more than the minimum number required to operate the aircraft and within which each cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;

Reason: When operating flights with in-flight break the minimum cabin crew should be on duty in order to attend in-flight emergencies appropriately.

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, ~~and standby when it is likely to induce fatigue;~~

Replace: airport standby and standby other than airport standby

Reason: BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q *OPS 1.1125* should be taken into account. The mentioned OPS reads:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be

defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.

Request: AMC or GM is needed to define whether standby other than airport standby generates fatigue or not. Further scientific is needed. The MOEBUS study could not establish criteria to what extent standby has to taken into account when counting cumulative duty hours. This is needed in order to meet the ER that establishes that the latest scientific and technical evidence shall be taken into account when proposing new FTL IR.

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on which they are a crew member;

Replace: a certain amount of time after the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped allowing for safety and security related tasks to be completed, at the end of the last flight on which they are a crew member;

Reason: Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and it's limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

(i) 'Local night' means a period of ~~eight hours falling between 22:00 hours and 08:00 hours~~ local time;

Replace: **ten** hours falling between 22:00 hours and **10:00**

Reason: The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

Replace: time, *limited to one hour* for local transfer from a place of rest to the commencement of duty and vice versa

Reason: The place of rest away from home base is chosen by the operator, if for any reason the operator chooses a place further away than a one hour transfer from the reporting point, the transfer time should be counted as FDP as it generates fatigue.

comment

2957

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

**Comment:**

Editorial

**Proposal:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa.

comment 3041

comment by: UCC SLO

(a)

Insert: 'Augmented cabin crew' means a cabin crew which comprises more than the minimum number required to operate the aircraft and within which each cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;

Reason: When operating flights with in-flight break the minimum cabin crew should be on duty in order to attend in-flight emergencies appropriately.

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, ~~and standby when it is likely to induce fatigue;~~

Replace: airport standby and standby other than airport standby

Reason: BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q OPS 1.1125 should be taken into account. The mentioned OPS reads:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.

Request: AMC or GM is needed to define whether standby other than airport standby generates fatigue or not. Further scientific is needed. The MOEBUS study could not establish criteria to what extent standby has to taken into account when counting cumulative duty hours. This is needed in order to meet the ER that establishes that the latest scientific and technical evidence shall be taken into account when proposing new FTL IR.

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes **when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on which they are a crew member;**

Replace: a certain amount of time after the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped allowing for safety

and security related tasks to be completed, at the end of the last flight on which they are a crew member;

Reason: Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and its limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

(i) '~~Local night~~' means a period of ~~eight hours falling between 22:00 hours and 08:00 hours~~ local time;

Replace: **ten** hours falling between 22:00 hours and **10:00**

Reason: The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

Replace: time, *limited to one hour* for local transfer from a place of rest to the commencement of duty and vice versa

Reason: The place of rest away from home base is chosen by the operator, if for any reason the operator chooses a place further away than a one hour transfer from the reporting point, the transfer time should be counted as FDP as it generates fatigue.

comment

3151

comment by: DGAC

Definitions of EU-OPS should be taken as is: article 22 states that substantive provisions should be transferred to the IR. If the definitions are changed, then the provisions do not have the same meaning.

For instance :

**OR.OPS.010.FTL**

(g) '*Home base*' means the location nominated by the operator to the crew member from where the crew member normally starts and ends a duty period or a series of duty periods;

differs from:

**(EU-)OPS 1.1095 - Definitions**

1.7. Home base:

*The location nominated by the operator to the crew member from where the crew member normally starts and ends a duty period or a series of duty periods and where, under normal conditions, the operator is not responsible for the accommodation of the crew member concerned.*

comment

3152

comment by: DGAC

**(f) 'Flight Duty Period (FDP)'** : This definitions makes sense as in EU-OPS only if the definition of 'series of flights' as proposed in (a)(65) of

OPS.GEN.010 (NPA 2009-02-b) is amended to delete the 'A to A' provision laid down in (ii) which does not make any sense in any of the places in the NPA where series of flights is used (always in the expression "flight or series of flights"). - See our comment on (a)(65) of OPS.GEN.010 (NPA 2009-02-b) -

comment

3192

comment by: Virgin Atlantic Airways

**Relevant Text:**

OR.OPS.010.FTL Definitions

(b) 'Flight Time' means:

(1) (1)for aeroplanes and touring motor gliders the total time from the moment the aircraft first moves from its parking place for the purpose of taking off until the moment it finally comes to rest on the designated parking position at the end of the flight and all engines or propellers are stopped:

**Comment:**

This is a change in terminology from EU-OPS Subpart Q - OPS 1.1095 (1.2) Block Time

In UK aviation industry the term 'Flight Time' as proposed by EASA commonly refers to the total time from the moment the wheels leave the runway on takeoff until the moment the wheels touch the runway on landing.

By changing the terminology there could be considerable confusion and potential data errors in the application of FTL

**Proposal:**

Replace with terminology used in EU-OPS Subpart Q :

OPS 1.1095 1.2 Block Time

The time between an aeroplane first moving from its parking place for the purpose of taking off until it comes to rest on the designated parking position and all engines or propellers are stopped

comment

3193

comment by: Virgin Atlantic Airways

**Relevant Text:**

(m) 'Rest Period' means a continuous and defined period of time, subsequent to and/or prior to duty, during which a crew member is free of all duties;

**Comment:**

Within OR.OPS.010.FTL Definitions there is no description of 'In-flight Rest Period' or 'In-flight Relief Period'

**Proposed Text:**

Add an additional point at the end of the 'OR.OPS.010.FTL Definitions' section as follows:

(p) 'In-flight Relief Period' means a defined period of time (minimum 3 hours but not necessarily continuous), during a flight duty, which a crew member is free of all duties and is provided a comfortable reclining seat or bunk, separated and screened from the flight deck and passengers and free from disturbance.

comment

3200

comment by: CityJet

Attachment [#12](#)

Please insert an additional "Definition":

**'Acclimatised' means when a crew member has spent the number of local nights on the ground as per column A in the attached table, within time zones as per column B, and is able to take uninterrupted nights sleep, that crew member is deemed to be acclimatised thereafter until a duty period finishes at a place where local time differs by one hour or more than that at the crew point of departure.'**

(Proposed Table in attached file)

comment

3268

comment by: cfdt france

#### **OR OPS 010 FTL DEFINITIONS**

(a) "Augmented flight crew means....."

**Amended text proposed : 'Augmented cabin crew' means a cabin crew complement which comprises more than the minimum number required to operate the aircraft and within which each fully qualified cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;**

**JUSTIFICATION : When operating flights with in-flight break the minimum cabin crew should be on duty in order to attend in-flight emergencies appropriately.**

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, and standby when it is likely to induce fatigue;

**Replace: airport standby and all other forms of standby**

**JUSTIFICATION** : BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q *OPS 1.1125* should be taken into account. The mentioned OPS reads:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

**Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.**

**Request:** AMC or GM is needed to define whether standby other than airport

standby generates fatigue or not. Further scientific is needed. The MOEBUS study could not establish criteria to what extent standby has to taken into account when counting cumulative duty hours. This is needed in order to meet the ER that establishes that the latest scientific and technical evidence shall be taken into account when proposing new FTL IR.

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on which they are a crew member;

**TEXT Replacement:** after the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped allowing for safety and security related tasks to be completed, at the end of the last flight on which they are a crew member and When all passengers have disembarked on commercial operations and crew duties and checks have been completed as required by the authorities and operators.

**Justification & Reason:** Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and its limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

(g) "Home base" means the location nominated by the operator to the crew member from where the crew member normally starts & ends a duty period or series of duty periods

**Replace with the addition :** " and where the operator does not provide rest accommodation"

**Reason & JUSTIFICATION :** If left as such the operator may consider "home base" as a lay over with rest accommodation & use minimum rest periods as in Section VIII "Flight and Duty time limitations and rest requirements" CS FTL 1.155 (b). This has been suggested by the French authorities....

(i) 'Local night' means a period of eight hours falling between 22:00 hours and 08:00 hours local time;

**Replace:** ten hours falling between 22:00 hours and 10:00

**Reason:** The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place\* and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

\***Replace by** " designated Home base" as defined by (g) in the definitions

**Reason :** If the "designated reporting place" is not the "home base" then "a place of rest" must be provided as in the latter part of this definition .

**Replace:** time, limited to one hour for local transfer from a place of rest to the commencement of duty and vice versa

**Reason:** The place of rest away from home base is chosen by the operator, if for any reason the operator chooses a place further away than a one hour transfer from the reporting point, the transfer time should be counted as FDP as it generates fatigue.

comment

3269

comment by: cfdt france

(a) publish duty rosters sufficiently in advance to provide the opportunity for

crew members to plan adequate rest;

**Request:** What does sufficiently mean? CS should establish what sufficiently in advance means in days.

**Reason & JUSTIFICATION:** Not knowing when a crew member will be scheduled for a duty in advance is stressful and fatigue generating. Issuing CS that establishes a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

**Insert at the beginning:** "when scheduling,"

**Reason:** In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

**Request:** AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

**Supported, but the term day and night duties should be defined (see UK CAP 371).**

**Request:** AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

**Reason:** Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

**Request:** The advance needs to be defined in CS or AMC.

**Reason:** See reason to OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

**Replace:** provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

**Reason:** Hypoglycaemia and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule during a scheduled seasonal period.

**Replace:** arrangements, the latest

33%

**Reason:** See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. OPS 1.1105 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must

**correct after concluding the season, but it reads *the latest, the operator should do this before the end of the season.***

comment

3340

comment by: CityJet

Proposed re-definition of 'Window of Circadian Low (WOCL)':

**'Window of Circadian Low (WOCL)' means the period between 02:00 and 05:59 hours. Within three time zones, the WOCL refers to home base time for the first 24 hours after departure from home base time zone, and to local time thereafter. Beyond three time zones the WOCL refers to home base time for the first 48 hours after departure from home base time zone and to local time thereafter.'**

This proposed re-definition, together with the introduction of an additional definition 'Acclimatised' (comment # 3220), are required to balance the FDP management for operators with home bases at the westernmost time zone in Europe.

CityJet has crew home bases at Dublin, London and Paris, and crews commence duties from one of the three bases, as well as from 8 other airports, 3 of which are in the Dublin/London time zone while the other 5 are in the Paris time zone. In the absence of provision for acclimatisation, and where WOCL is linked narrowly to a one-hour time zone, the situation can arise where crewmembers on the same Flight Duty have different end times to their local night, and therefore different allowable FDPs. Thus a Paris-based crewmember can work later than a Dublin or London based one, even though they reported together.

CityJet has continually mixed crews for reason of qualification and standardisation. This is necessary to ensure adequate familiarity for operations to CAT C airports, such as Florence and London City, which involve a high proportion of CityJet flights. It is essential that all our crews are adequately familiar with these CAT C airports and the interchanging of crews is necessary to maintain a standard greater than minimum required recency.

While the recognition of the 'Window of Circadian Low' is correctly based on empirical physiological data, there is no evidence to support the constraint of linking WOCL within a band of three time zones to home base time. A crew operating within one time zone of home base time, availing of a 'Rest period' (as defined) and able to take uninterrupted nights sleep may be considered to be acclimatised. Such crew is then physiologically ready to commence duty involving a normal FDP based on local time at the airport where duty commences.

It would be unrealistic to fail to recognise the physiological acclimatisation which actually occurs when crews travel and work, for a number of days, from a time zone which differs by one time zone from home base.

comment

3374

comment by: FNAM (*Fédération Nationale de l'Aviation Marchande*)

**Comment**

There is need for a global part dedicated to definitions. Moreover the definitions of OR.OPS.010.GEN can not be considered as complete as they are restricted to the subpart OPS.

**Proposal**

We suggest a specific part of the EASA regulation framework may contain a comprehensive and exhaustive list of definitions, applicable to the whole EASA regulation, which is the best way to have consistent and non-redundant definitions.

**Justification**

This might be a legal issue regarding the scope of understanding and cause problems of reading.

comment 3376 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The definition for "home base" may be slightly modified to comply with operational requirements. For example, a crew (with home base Paris) can do London/ New York/Francfort/New York/London, but cannot do London/New York/London/New York/London. As a result base may have to be considered as stop over during a series of duty periods.

**Proposal**

The following sentence should be added to the definition: " during a series of duty periods, out of base rest rules apply, whatever the place of stopover".

**Justification**

obvious

comment 3379 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The definition for "duty" may be modified for standby in purpose to be more precise.

**Proposal**

We propose to change "standby when it is likely to induce fatigue" by "aerodrome/operating site standby".

comment 3548 comment by: *KLM Cityhopper*

**Comment:**

Editorial

**Proposal:**

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa

comment 3586 comment by: *Heliswiss International*

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment

3641

comment by: AIR FRANCE

Relevant

Text:

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

Comment:

Editorial

Proposal:

'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or excluding time for local transfer from a place of rest to the commencement of duty and vice versa.

comment

3681

comment by: Bristow Helicopters

Aligned with current JAR FCL definition - current JAR OPS definition of Flight Time is "From the time the helicopter first moves under its own power for the purpose of take-off until the time the rotors stop". Recording from rotor start to rotor stop will add a significant portion of recordable time to a large passenger carrying operation. This time has not been considered to impact fatigue in the past and thus is considered an unnecessary imposition on operators.

comment

3684

comment by: Bristow Helicopters

Refers to standby "if it is likely to induce fatigue. Need clearer definition of "Standby".

comment

3686

comment by: Bristow Helicopters

Requires definition of (a) Reporting Time (b) Early or Late Duty (c) travelling time (d) scheduled seasonal period

comment

3827

comment by: IACA International Air Carrier Association

(b)

The definition for "flight time" seems to address "block time" instead. Please compare EU OPS, Subpart Q, OPS 1.1095. Flight time should be defined as follows:

"For aeroplanes (...) the time from lift off of the last part (tire) from ground to touch down (first ground contact of any aircraft part).

comment

3828

comment by: IACA International Air Carrier Association

(c)

Wording is too imprecise. Not all standby is duty or induces fatigue. How is fatigue due to standby to be determined? Same applies to rest, where the operator also cannot assess fatigue. Perhaps EASA means "Standby duty"

(OR.OPS.050.FTL), which is included in "duty" anyhow. Therefore "...and standby when is likely to induce fatigue." shall be deleted.

Therefore, add new definition clearly specifying "Standby duty" means "Aerodrome/operating site standby" as used in OR.OPS.050.FTL and OR.OPS.350.FTL, e.g. "standby duty" is the only standby that is likely to induce fatigue.

comment 3829 comment by: *IACA International Air Carrier Association*

(n)

Wording is too imprecise. Not all standby is duty or induces fatigue. How is fatigue due to standby to be determined? Same applies to rest, where the operator also cannot assess fatigue. Perhaps EASA means "Standby duty" (OR.OPS.050.FTL), which is included in "duty" anyhow. Therefore "...and standby when is likely to induce fatigue." shall be deleted.

Therefore, add new definition clearly specifying "Standby duty" means "Aerodrome/operating site standby" as used in OR.OPS.050.FTL and OR.OPS.350.FTL, e.g. "standby duty" is the only standby that is likely to induce fatigue.

comment 3831 comment by: *IACA International Air Carrier Association*

(e) and (k)

Definitions are confusing. What is the difference between "assigned to duty" and "carries out their duty". EASA shall clarify why they need both definitions.

comment 3832 comment by: *IACA International Air Carrier Association*

(j)

Delete this definition, as this is only used under OR.OPS.010 Definitions, and nowhere else in this NPA.

Motivation: This is not a safety issue, but a social issue and does not belong in these requirements. Days off are already covered by the European Working Time Directive.

comment 3833 comment by: *IACA International Air Carrier Association*

(L)

Editorial: "means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa;"

comment 3834 comment by: *IACA International Air Carrier Association*

(o)

Although definition is the same as in EU-OPS it is still unclear and leaves room for different interpretations.

Change "band of three time zones" into "three hours time difference".

EASA shall better define "departure from home base time zone": does it mean when the time zone is left or does it mean when previous FDP at home base started ?

A crew member can be en-route for 10 days from eg. AMS tot DXB to BKK to HKG to SYD to BKK to DXB. Then on departing from DXB to AMS he would have to use "home base time" after having been used to far greater time differences for the last 10 days. In fact using AMS time would enhance the negative effect of time zone crossings. The same problem appears when home base is AMS and crew member operates for 10 days in Africa. He would have to use AMS time while he is acclimatised to Africa time.

**Proposed definition:**

WOCL means the period between 02:00 hours and 05:59 hours. WOCL refers to home base time.

Beyond three **hours** time difference **AND** beyond 48 hours after departure from home base time, WOCL refers to local time.

comment 3839

comment by: *European Business Aviation Association (EBAA)*

(b) 'Flight time' means:

(1) for aeroplanes and touring motor gliders the total time from the moment the aircraft first moves from its parking place for the purpose of taking off until the moment it finally comes to rest on the designated parking position at the end of the flight and all engines or propellers are stopped;

(2) for helicopters, the total time from the moment a helicopter's rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped;

(3) for sailplanes, the total time from the moment the sailplane commences the ground run in the process of taking off until the moment it finally comes to a rest at the end of flight; and

(4) for balloons the total time from the moment the basket leaves the ground for the purpose of taking off until the moment the balloon finally comes to a rest at the end of the flight;

Subpart Q ((EC) No 1899/2006)

*Block time (subpart Q)*

*The time between an aeroplane first moving from its parking place for the purpose of taking off until it comes to rest on the designated parking position and all engines or propellers are stopped.*

Proposed changes:

For Business Aviation the proposed definition of "Flight Time" actually corresponds with the definition of "Block Time" as it does in Subpart Q. Moreover the definition of "Flight Time" is already used in Business Aviation operations and means the time between the moment an airplane first lifts off from the ground and the moment it lands. This definition is also crucial in aircraft maintenance in Business Aviation, maintenance is done "on-hard time" not "on-condition" - like air carriers do. Keeping this definition will result on a direct increase of the maintenance costs by more than 20%. For this reason Business Aviation asks to replace in the proposed definition the words "Flight Time" by the words "Block Time".

comment 3842

comment by: *European Business Aviation Association (EBAA)*

(n) 'Standby' means a defined period of time during which a crew member is required by the operator to be available to receive an assignment for a specific duty without an intervening rest period;

Proposed change:

(n) 'Aerodrome and operating site standby' means a defined period of time during which a crew member is required by the operator to be available to receive an assignment for a specific duty without an intervening rest period;

comment 3847 comment by: *European Business Aviation Association (EBAA)*

(d) 'Duty period' means a period which starts when a crew member is required by an operator to report for commencing a duty and ends when that person is free from all duties;

Comment:

This definition is too restrictive and does not fit to Business Aviation operations. The definition of "Duty period" needs to accommodate the concept of "Split duty which means, a break inside a duty. This break in a suitable accommodation shall not count for duty or rest.

comment 3886 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Definitions (c) Duty

Wording is too imprecise. Not all standby is duty or induces fatigue. How is fatigue due to standby to be determined? Same applies to rest, where the operator also cannot assess fatigue. Perhaps EASA means "Standby duty" (OR.OPS.050.FTL), which is included in "duty" anyhow. Therefore "...and standby when is likely to induce fatigue." shall be deleted.

Definitions (n) Standby

Therefore, add new definition clearly specifying "Standby duty" means "Aerodrome/operating site standby" as used in OR.OPS.050.FTL and OR.OPS.350.FTL, e.g. "standby duty" is the only standby that is likely to induce fatigue.

Definition (e) Flight crew member and (k) Operating crew member

Definitions are confusing. What is the difference between "assigned to duty" and "carries out their duty". EASA shall clarify why they need both definitions.

Definition (j) a single day free of duty

Delete this definition, as this is only used under OR.OPS.010 Definitions, and nowhere else in this NPA.

Motivation: This is not a safety issue, but a social issue and does not belong in these requirements. Days off are already covered by the European Working Time Directive.

Definition (l) positioning

Editorial: "means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa;"

Definition (o) Window of Circadian Low

- Although definition is the same as in EU-OPS it is still unclear and leaves room for different interpretations.
- Change "band of three time zones" into "three hours time difference".
- EASA shall better define "departure from home base time zone": does it mean when the time zone is left or does it mean when previous FDP at home base started ?
- A crew member can be en-route for 10 days from eg. AMS tot DXB to BKK to HKG to SYD to BKK to DXB. Then on departing from DXB to AMS he would have to use "home base time" after having been used to far greater time differences for the last 10 days. In fact using AMS time would enhance the negative effect of time zone crossings. The same problem appears when home base is AMS and crew member operates for 10 days in Africa. He would have to use AMS time while he is acclimatised to Africa time.

**Proposed definition:**

WOCL means the period between 02:00 hours and 05:59 hours. WOCL refers to home base time.

Beyond three **hours** time difference **AND** beyond 48 hours after departure from home base time, WOCL refers to local time.

comment

3905

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Delete this definition, as this is only used under OR.OPS.010 Definitions, and nowhere else in this NPA.

Motivation: This is not a safety issue, but a social issue and does not belong in these requirements. Days off are already covered by the European Working Time Directive.

Editorial: "means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa;"

Although definition is the same as in EU-OPS it is still unclear and leaves room for different interpretations.

Change "band of three time zones" into "three hours time difference".

EASA shall better define "departure from home base time zone": does it mean when the time zone is left or does it mean when previous FDP at home base started ?

A crew member can be en-route for 10 days from eg. AMS tot DXB to BKK to HKG to SYD to BKK to DXB. Then on departing from DXB to AMS he would have to use "home base time" after having been used to far greater time differences for the last 10 days. In fact using AMS time would enhance the negative effect of time zone crossings. The same problem appears when home base is AMS and crew member operates for 10 days in Africa. He would have to use AMS time while he is acclimatised to Africa time.

**Proposed definition:**

WOCL means the period between 02:00 hours and 05:59 hours. WOCL refers to home base time.

Beyond three **hours** time difference **AND** beyond 48 hours after departure from home base time, WOCL refers to local time.

Delete this definition, as this is only used under OR.OPS.010 Definitions, and nowhere else in this NPA.

Motivation: This is not a safety issue, but a social issue and does not belong in these requirements. Days off are already covered by the European Working

Time Directive.

Editorial: "means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to a designated reporting place and vice versa, or **excluding** time for local transfer from a place of rest to the commencement of duty and vice versa;"

Although definition is the same as in EU-OPS it is still unclear and leaves room for different interpretations.

Change "band of three time zones" into "three hours time difference".

EASA shall better define "departure from home base time zone": does it mean when the time zone is left or does it mean when previous FDP at home base started ?

A crew member can be en-route for 10 days from eg. AMS tot DXB to BKK to HKG to SYD to BKK to DXB. Then on departing from DXB to AMS he would have to use "home base time" after having been used to far greater time differences for the last 10 days. In fact using AMS time would enhance the negative effect of time zone crossings. The same problem appears when home base is AMS and crew member operates for 10 days in Africa. He would have to use AMS time while he is acclimatised to Africa time.

**Proposed definition:**

WOCL means the period between 02:00 hours and 05:59 hours. WOCL refers to home base time.

Beyond three **hours** time difference **AND** beyond 48 hours after departure from home base time, WOCL refers to local time.

comment

3975

comment by: CUD

(a)

Add:

'Augmented cabin crew' means a cabin crew compliment which comprises more than the minimum number required to operate the aircraft and within which each fully qualified cabin crew member can leave their assigned post and be replaced by another appropriately qualified cabin crew member for the purpose of in-flight break;

Reason: When operating flights with in-flight break the minimum cabin crew should be on duty in order to attend in-flight emergencies appropriately.

comment

3976

comment by: CUD

(c) 'Duty' means any task that a crew member is required by the operator to perform, including, for example, flight duty, administrative work, training, positioning, ~~and standby when it is likely to induce fatigue;~~

Replace: airport standby and all other forms of standby

Reason: The MOEBUS study in its answer to question 15 establishes that sleep taken on standby is shorter and of poorer quality and therefore induces fatigue. Moreover, BR 216/2008 establishes in Art. 22 2.(a) that Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. In order to meet this essential requirement provisions of Subpart Q *OPS 1.1125* should be taken into account. The mentioned OPS read:

1.2. Airport standby will count in full for the purposes of cumulative duty hours.

1.3. Where airport standby is immediately followed by a flight duty, the relationship between such airport standby and the assigned flight duty shall be defined by the Authority. In such a case, airport standby shall be added to the duty period referred to in OPS 1.1110 under points 1.1 and 1.2 for the purposes of calculating minimum rest.

1.4. Where the airport standby does not lead to assignment on a flight duty, it shall be followed at least by a rest period as regulated by the Authority.

Leading to the conclusion that airport standby needs be followed by minimum rest because it generates fatigue.

Request: CS, AMC or GM is needed to define to what extent standby other than airport standby generates fatigue. The MOEBUS study in its answer to question 15 reports that sleep taken is shorter and of poorer quality. They propose a sliding scale and call for further scientific research. This is in line with the requirements of Art 19, 2. of Regulation 216/2008.

comment

3977

comment by: CUD

(f) 'Flight Duty Period (FDP)' means a period which commences when a crew member is required to report for duty that includes a flight or a series of flights and which finishes ~~when the aircraft finally comes to rest and the engines are shut down or the rotor blades are stopped, at the end of the last flight on which they are a crew member;~~

Replace: When all passengers have disembarked on commercial operations and crew duties and checks have been completed as required by the authorities and operators;

Reason: Even after the engines have been shut down, i.e. during disembarkation, it could become necessary to initiate an evacuation. FDP and its limitations are designed to make sure that crew members are alert to do so. All safety related tasks should be carried out during the FDP.

comment

3978

comment by: CUD

(i) 'Local night' means a period of ~~eight hours falling between 22:00 hours and 08:00 hours local time;~~

Replace: **ten** hours falling between 22:00 hours and **10:00**

Reason: The term 'local night' is used in the IR to establish a weekly rest period which is clearly intended to mitigate the effect of cumulative fatigue. The MOEBUS study indicates in the answer to question 10 that there is scientific evidence that shows that the effectiveness of the second night sleep (see OR.OPS.355.FTL (d) and CS FTL.1.155 (c)) is limited if the second night is followed by a duty period starting as early as 06:00.

comment

3979

comment by: CUD

(l) 'Positioning' means the transferring of a non-operating crew member from place to place, at the behest of the operator, excluding the time from home to ~~a designated reporting place~~ and vice versa, or time for local transfer from a place of rest to the commencement of duty and vice versa;

Replace: their designated home base as defined in (g) OR.OPS.010.FTL

Reason: The home base is the designated reporting place after resting at home.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 -  
OR.OPS.015.FTL Operator responsibilities**

p. 25-26

comment 4

comment by: AIR SAFETY GROUP

**OR.OPS.015FTL Operator Responsibility.**

1. **Suggest delete "wh ere applic able t o th e type of oper ation".**  
Note: This phrase is superfluous. The operator shall (a), (b) etc is all that is needed.
2. **(a) ...."sufficiently in advanc e".** Note: This is a meaningless statement unless a figure, such as 14 days, is included. Obviously 'in advance' can, technically, mean anything from 5 minutes to whatever...! A crew member could, for example, be told just before going off duty before midnight that they are to start a Day off in 5 minutes time. Custom and practice suggests that the publishing of rosters normally gives at least 14 days prior notice and covers a 28 day or monthly period. Suggest this be included.
3. **(c) "sufficiently free from fatigue".** Note: Suggest delete the word 'sufficiently' as being purely subjective and unquantifiable. Crew members should remain free from fatigue at all times, that is the whole essence and point of having an FTL Scheme. They will become tired, obviously, towards the end of the FDP but should never reach the stage of being fatigued.
4. **(d) Suggest insert "all pre-flight" ground duties.**
5. **(f) Suggest add at the end of sentence "consecutive early, late or night flights and crossing of time zones"**
6. **(g) Suggest change 'duties' to 'duty' and change 'following' to 'next'.** Note: If 'duties' are included, it begs the question as to how many previous duties have to be taken into account and how that can possibly be achieved. The key is to ensure adequate rest is provided to recover from the previous duty prior to the next FDP.
7. **(h) Without mentioning a specific number of days prior notice of Days Off (sug gest mini mum of 14 da ys notice as per normal rostering practices), the ph rase 'su fficiently in advance' coul d mean, technically, anything from 5 minutes onwards!**
8. **(I) Two phras es ar e used h ere, 'significant proportion' and 'scheduled season al peri od' neither o f which ar e de fined and may be interpreted in vastly di fferent ways. Suggest a percentage figure be inclu ded for 'si gnificant proportion' - ideally 5%. In ot her words, the pl anning s hould be real istic enough never to have to use Commander's discretion other than on rare occasions. No s uggestions for 'scheduled seasonal period' ot her than it should be defined precisely within each operator's FTL Scheme.**

comment 370

comment by: Reto Ruesch

OR Ops 015 FTL

i) provide meal and drink. Not the job of operator

This is not the job of the operator. Pilot are not assisted persons and they are big enough to look after themselves.

comment 391

comment by: *Ryanair*

**OR.OPS.015.FTL(c)**

**Comment**

This statement is redundant. The purpose of an FTL Scheme is to prevent fatigue. This statement should be deleted.

**Proposal**

DELETE

**OR.OPS.015.FTL(d)**

This could be misinterpreted as a requirement applicable to administrative duties not associated with safe aircraft operations

**Proposal**

Specify reporting times to allow sufficient time for safety related pre-flight duties

**OR.OPS.015.FTL(e)**

**Comment**

This statement is redundant. The purpose of an FTL Scheme is to limit maximum duties and to define minimum rest requirements. This statement should be deleted.

**Proposal**

DELETE

**OR.OPS.015.FTL(h)**

**Comment**

There is no definition for a "local day free of duty". Reference should also be made to earlier comments in relation to the definition of 'single day free of duty'

**Proposal**

Plan a 'single day free of duty' and notify crew members sufficiently in advance

**OR.OPS.015.FTL(i)**

**Comment**

The word "provide" could be interpreted as a requirement for the operator to "plan/roster" a meal and drink opportunity when in reality such opportunities exist throughout a flight duty period.

**Proposal**

Revert to EU-OPS wording "A meal and drink opportunity must occur in order to avoid any detriment to a crew members performance especially when the FDP exceeds 6 hours"

- comment 485 comment by: *Heli Gotthard*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 508 comment by: *Stefan Huber*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 531 comment by: *Air Zermatt*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 565 comment by: *Air-Glaciers (pf)*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 629 comment by: *easyjet safety*  
 (d)  
 Comment: Reporting times are not required for non operational duties.  
 Proposal: "Specify reporting and off duty allowances to ensure sufficient time for briefing and debriefing periods."
- comment 636 comment by: *easyjet safety*  
 Comment: Responsibility for preventing the onset of fatigue does not rest wholly with the operator. There is no corresponding section stating the Crew Member's responsibilities.  
 Proposal: Add GM.OR.OPS. 025/325. FTL paras 3.2 (b) and (c)
- comment 683 comment by: *Dassault Aviation*  
 Editorial comment.  
 Page 26 OR.OPS.015.FTL: sub-paragraphs (k) and (l) should respectively read (j) and (k).
- comment 718 comment by: *Luftfahrt-Bundesamt*  
 The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.  
 We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.  
 The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.  
 Justification: see LBA - General Comment, reasons 1 and 2

- comment 790 comment by: *Heli Gotthard AG Erstfeld*  
 OR Ops 015 FTL  
 i) provide meal and drink. Not the job of operator  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves
- comment 811 comment by: *SHA (AS)*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 833 comment by: *Berner Oberländer Helikopter AG BOHAG*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 931 comment by: *Heliswiss AG, Belp*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 968 comment by: *Heliswiss*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 993 comment by: *Heliswiss NV*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 1018 comment by: *Dirk Hatebur*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.
- comment 1077 comment by: *ECA - European Cockpit Association*  
 Comment on OR.OPS.015.FTL: delete as follows:  
 An operator shall, ~~where applicable to the type of operation:~~  
 Justification:  
 "..., where applicable to the type of operation" shall be deleted. All of these items are hard requirements.
- comment 1078 comment by: *ECA - European Cockpit Association*  
 Comment on OR.OPS.015.FTL (d):  
 Clarification needed that the reporting time has to allow for all applicable ground duties to be performed.

comment 1079 comment by: ECA - European Cockpit Association

Comment on OR.OPS.015.FTL (e): change as follows:

take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give **full** consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

Justification:  
The text substitutes the former wording "...give consideration" for "*Operators shall be expected to appreciate ...*" which is an improvement but which is still too weak. The fatiguing effect of cumulative duty is typically underestimated; the expression "full consideration" should at least be used.

Moebus : ... in the absence of further research, night freight operations beyond current limits should only be permitted if supported by a suitable FRMS.

comment 1080 comment by: ECA - European Cockpit Association

Comment on OR.OPS.015.FTL(f):

This provision needs to be reworked in line with latest scientific evidence. Guidelines must be developed to limit the impact of disrupted sleep patterns on flight safety.

So far the scientific evaluation recommends:

(a) night duties and duties that encompass the WOCL are limited to 10 hours.  
(b) the number of consecutive duties starting or ending in the WOCL should be limited.  
(c) extending the definition of early starts to FDPs commencing before 07:00.  
(d) start time of consecutive early morning duties shall be rolling backwards (i.e. start later) rather than forwards.

comment 1081 comment by: ECA - European Cockpit Association

Comment on OR.OPS.015.FTL (h): changes as follows:

... plan local days free of duty and notify crew members sufficiently in advance; **the notification periods shall reflect the operators need for flexibility as well as the crew members need for planning stability. Local days free of duty shall be marked as such in the individual schedule and once notified may only be changed upon the crew member's assent unless this would expose significant scheduling difficulties in case of unforeseen operational circumstances like an unscheduled delayed return to home base.**

Justification:  
A clarification is required for the term "sufficiently in advance". Since "local days free of duty" derive from Minimum European Social Standards (see CD 2000/79/EC) these days reflect the need for the planning of a social life and eventually its impact on flight safety. Especially the absence of a minimal balanced social background will eventually become a significant burden with an intolerable negative impact on flight safety.

comment 1082 comment by: ECA - European Cockpit Association

Comment on OR.OPS.015.FTL(i):change as follows:

provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours; **during FDPs with multiple sectors and short block and ground times individual ground times may have to be extended to meet the physiological demand.**

Justification:

The scientific evaluation states:

To meet the need for adequate sustenance and to avoid dehydration as well as to provide occasional interruption from periods of continuous work for cabin crew a meal-break of 30 minutes in a six hour period should be provided.

comment 1083 comment by: ECA - European Cockpit Association

Comment on OR.OPS.015.FTL (k): change as follows:

ensure that flights are planned to be completed within the allowable flight duty period taking into account the time necessary for preflight duties, the flight and turn-around times **and where applicable all safety related duties at the end of the flight after on block;**

Justification:

Safety related duties after on block must be included under the fatigue aspect; for further information see comments under OR.OPS.010.FTL Definitions (f).

comment 1084 comment by: ECA - European Cockpit Association

Comment on OR.OPS.015.FTL(l): change as follows:

take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights **in a way that indicates that further exceeding is likely to be expected. in that schedule during a scheduled seasonal period.**

Justification:

As a "scheduled seasonal period" often last for half a year this regulation is extremely retroactive. When the seasonal period is over, the schedule is typically changed. Thus the wording as given would explicitly allow an intentionally unfit planning for a scheduling season. Therefore action should be taken at the latest after it becomes obvious that further exceeding is likely to occur; this could be as soon as one month after any initial indication for exceeding the maximum FDP.

comment 1085 comment by: ECA - European Cockpit Association

Comment on OR.OPS.015.FTL: add new paragraph (m):

**(m) not require a crew member to operate an aeroplane if the crew member declares that he is or suspects to be fatigued to the extent that the safety of the flight may be adversely affected.**

Justification:

It is an operator's responsibility to impede fatigued crews to operate an aeroplane.

comment

1090

comment by: AEA

**Relevant Text:** OR.OPS.015 FTL Operator Responsibilities

**Comment:** Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material

**Proposal:** modify as follows

OR.OPS.015 Operator **and Crew** Responsibilities

....

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered

(n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment

1192

comment by: Sven Freisenich

**FTL Operator responsibilities**

Fatigue and FTL are joint responsibilities of operator and crew. While crew responsibilities are in hard law in EU-OPS 1.085, the EASA proposal downgraded the crew responsibilities to GM (GM OP.OPS.025.FTL – FRMS and GM OR.OPS.325.TFL – FRMS).

Change title to "Operator and Crew Responsibilities" and add:

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered.

(n) Crew members shall plan and make optimum use of the opportunities and facilities for rest provided.

**FTL Operator responsibilities (b)**

Change "12 calendar months" by "one calendar year".

Additionally: home base changes in excess of 4 times in any calendar year can be mutually agreed between operator and crew member.

comment

1295

comment by: UK CAA

**Page No:** 25

**Paragraph No:** OR.OPS.015.FTL (i)

**Comment:** This "meal and drink opportunity" requirement (albeit very similar to that published in SubPart Q of EU-OPS) is slightly confusing. Does the rule always require a meal and drink opportunity to be provided no matter how short the FDP? Does the rule require an opportunity to be provided **only** when

the FDP exceeds 6 hours? Finally, is the FDP in question the planned FDP or the actual FDP on the day?

The proposed text assumes that a drink opportunity during any FDP is important, in addition it has assumed that the "meal opportunity" is applicable to any FDPs in excess of 6 hours (not just FDPs planned to be over 6 hours). The proposed text in parentheses could be omitted from the rule as it is not of itself a rule but an explanation of a rule and should more properly be included in AMC or GM.

**Justification:** Clarity.

**Proposed Text (if applicable):**

(o) provide a drink opportunity in any planned FDP and for a meal and drink opportunity in FDPs in excess of 6 hours (in order to avoid detriment to a crew member's performance).

comment 1314 comment by: Catherine Nussbaumer

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment 1338 comment by: Jan Brühlmann

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment 1360 comment by: Walter Mayer, Heliswiss

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment 1391 comment by: SCCA/ head of health and safety

i)

**1)** A 30-minute meal break shall be provided for each six hours of FDP, additionally a 10-minute break shall be provided for each three hour period that does not contain a meal break.

comment 1409 comment by: Unionen/Sweden

i) A 30-minute meal break shall be provided for each six hours of FDP, additionally a 10-minute break shall be provided for each three hour period that does not contain a meal break.

comment 1469 comment by: M Wilson-NetJets

**Original text:**

(b) nominate a home base for each crew member;

**Suggested new text:**

No suggested text

**Comment/suggestion:**

Home base is centralized operator concept and to allow other types of operations (mainly decentralized) to be able to devise the most flexible, safe and economically advantageous FTL schemes the requirement to appoint a home base for each crewmember should be moved to the CS or AMC part of the regulation.D22

comment

1470

comment by: *M Wilson-NetJets*

**Original text:**

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

**Suggested new text:**

(f) Allocate duty patterns that avoid practices that cause a serious disruption of established sleep/work patterns such as alternating day/night duties **or provide sufficient rest to overcome the instant and cumulative fatigue effects of such alternating day/night duties.**

**Comment/suggestion:**

Alternating day and night duties increase the instant and cumulative fatigue of crewmembers. Therefore not scheduling is one mitigating measure to prevent this cumulative fatigue. An alternative mean to not schedule these duties is to provide sufficient rest to overcome the instant and accumulative factor of alternating day/night duty or duties.

comment

1477

comment by: *M Wilson-NetJets*

**Original text:**

(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule during a scheduled seasonal period.

**Suggested new text:**

(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule for a certain period of time.

**Comment/suggestion:**

Scheduling Seasonal period is a term for scheduled airlines and not applicable to unscheduled/on-demand operators that do not schedule in seasons.

comment

1552

comment by: *Pascal DREER*

i) : This is not the job of the operator. Pilots are not helpless and are big

enough to look after themselves.

comment

1562

comment by: *British Airways*

(c) The term 'under all circumstances' – how do you define this term? Circumstances are not always under our control. The recommendation is to remove the words 'under all circumstances' from the sentence.

(d) Change the words 'ground duties' to 'pre-flight activities' as this more accurately depicts the activity being undertaken.

(g) Change the word 'time' to 'duration' and remove from the sentence 'overcome the effects of the previous duties and to'.

This sentence should now read 'provide *rest periods of sufficient time to enable crew members to be well rested by the start of the following flight duty period.*'

comment

1603

comment by: *TAP Portugal*

**Relevant Text:** OR.OPS.015 FTL Operator Responsibilities

**Comment:** Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material

**Proposal:** modify as follows

OR.OPS.015 Operator **and Crew** Responsibilities

....

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered

(n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment

1739

comment by: *Jill Pelan*

**OR.OPS.015.FTL Operator responsibilities**

(a) publish duty rosters **sufficiently in advance** to provide the opportunity for crew members to plan adequate rest;

**CFDT FRANCE UNION & ETF Request:** What does sufficiently mean? CS should establish what sufficiently in advance means in days.

Reason: Not knowing when a crew member will be scheduled for a duty in advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

**The C FDT & ETF demand an Insert at the beginning:** "*when scheduling....*".

Reason: In order to generate a legal obligation of a precise action that shall

follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

Request: AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

**Supported by CFDT and ETF**, but the term day and night duties should be defined (see UK CAP 371).

Request: AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

**Request CFDT France & ETF:** "The advance" needs to be defined in CS or AMC.

Reason: See reason OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

Replace: provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: **Hypoglycaemia** and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

~~(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule during a scheduled seasonal period.~~

**The CFDT & ETF Crew demand** Replacement : arrangements, the latest and 33% of flights instead of " a significant proportion"

Reason: **In order to achieve operational robustness operators should be encouraged to take action as soon as possible and not only after for the next seasonal period.** See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. *OPS 1.1105* 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation

exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.  
 The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season.

comment 1769

comment by: Sean Butler, bmi

**Page: 25 Section: OR.OPS.015.FTL Operator Responsibilities**

Relevant Text: OR.OPS.015 FTL Operator Responsibilities

**Comment:** Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material

Proposal: OR.OPS.015 Operator and Crew Responsibilities

....

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered

(n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment 1802

comment by: KLM

Relevant Text: OR.OPS.015 FTL Operator Responsibilities

**Comment:** Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material

Proposal: OR.OPS.015 Operator **and Crew** Responsibilities

....

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered

(n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment 1848

comment by: *fédération des transports CGT, membre de ETF*

(a) publish duty rosters sufficiently in advance to provide the opportunity for crew members to plan adequate rest;

**Request:** What does sufficiently mean? CS should establish what sufficiently in advance means in days.

**Reason:** Not knowing when a crew member will be scheduled for a duty in

advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

**Insert** at the beginning: *when scheduling,*

Reason: In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

**Request:** AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

Supported, but the term day and night duties should be defined (see UK CAP 371).

**Request:** AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

**Request:** The advance needs to be defined in CS or AMC.

Reason: See reason to OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

**Replace:** provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: Hypoglycaemia and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule during a scheduled seasonal period.

**Replace:** arrangements, the latest 33%

Reason: In order to achieve operational robustness operators should be

encouraged to take action as soon as possible and not only after for the next seasonal period. See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. OPS 1.1105 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season

comment

1866

comment by: Gordana BOBERIC

a) publish duty rosters sufficiently in advance to provide the opportunity for crew members to plan adequate rest;

Request: What does sufficiently mean? CS should establish what sufficiently in advance means in days.

Reason: Not knowing when a crew member will be scheduled for a duty in advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

Insert at the beginning: *when scheduling*.

Reason: In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

Request: AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

Supported, but the term day and night duties should be defined (see UK CAP 371).

Request: AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

Request: The advance needs to be defined in CS or AMC.

Reason: See reason to OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

Replace: provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: Hypoglycemia and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

~~(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule during a scheduled seasonal period.~~

Replace: arrangements, the latest  
33%

Reason: See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. *OPS 1.1105* 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season.

comment

1928

comment by: FSC - CCOO

(a) publish duty rosters **sufficiently in advance** to provide the opportunity for crew members to plan adequate rest;

Request: What does sufficiently mean? CS should establish what sufficiently in advance means in days.

Reason: Not knowing when a crew member will be scheduled for a duty in advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

comment

1929

comment by: FSC - CCOO

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

Insert at the beginning: *when scheduling,*

Reason: In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

Request: AMC and GM should give guidance on how this should be taken into account when scheduling.

comment

1930

comment by: FSC - CCOO

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

Supported, but the term day and night duties should be defined (see UK CAP 371).

Request: AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

comment

1931

comment by: FSC - CCOO

(h) plan local days free of duty and notify crew members sufficiently in advance;

Request: The advance needs to be defined in CS or AMC.

Reason: See reason to OR.OPS.015.FTL (a)

comment

1932

comment by: FSC - CCOO

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

Replace: provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: Hypoglycaemia and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

comment

1933

comment by: FSC - CCOO

(l) take action to change a schedule or crewing ~~arrangements~~ where the actual operation exceeds the maximum flight duty period on a ~~significant proportion~~ of flights in that schedule during a scheduled seasonal period.

Replace: arrangements, the latest  
33%

Reason: In order to achieve operational robustness operators should be encouraged to take action as soon as possible and not only after for the next seasonal period. See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. *OPS 1.1105* 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season.

comment 2060

comment by: *IAOPA Europe*

The wording and scope of these requirements may be suitable for a commercial operator but are completely out of scope for a non-commercial one-man operator of a complex aircraft who might not even operate the aircraft for business but purely for pleasure.

In this case words and concepts such as duty rosters, reporting times, duty patterns etc. are completely inappropriate.

Either the applicability should only be for commercial operators or the regulation should be modified so that it fits the whole area of applicability including the one-man non-commercial operator who operates a complex aircraft privately for his own pleasure.

comment 2118

comment by: *AUSTRIAN Airlines*

**Relevant Text:** OR.OPS.015 FTL Operator Responsibilities

**Comment:** Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material

**Proposal:** modify as follows

OR.OPS.015 Operator **and Crew** Responsibilities

....

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered

(n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment 2220

comment by: *Christophe Baumann*

i) : This is not the job of the operator. Pilots are not helpless and are big

enough to look after themselves.

comment 2243 comment by: *HDM Luftrettung gGmbH*

OR.OPS.015.FTL

i) : This is not the job of the operator in HEMS operations. Pilots are not helpless and are big enough to look after themselves.

comment 2253 comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR OPS 015.FTL**

**Comment:**

Fatigue and FTL are joint responsibilities of operator and crew. While crew responsibilities are in hard law in EU-Ops 1.085 the EASA proposal downgraded the crew responsibilities to GM (GM OP.OPS025 FTL-FRMS and GM OR.OPS.325 TFL-FRMS).

**Proposal:**

Change the title to "Operator and Crew Responsibilities" and add:

(m) A crew member shall not operate an aeroplane if he/she is suffering or is likely to suffer

From fatigue or feels unfit, to the extent that the flight might be endangered

(n) Crew members shall plan and make optimum use of the opportunities and facilities for rest provided.

comment 2263 comment by: *Benedikt SCHLEGEL*

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment 2274 comment by: *kapers Cabin Crew Union*

(a) publish duty rosters **sufficiently in advance** to provide the opportunity for crew members to plan adequate rest;

Request: What does sufficiently mean? CS should establish what sufficiently in advance means in days.

Reason: Not knowing when a crew member will be scheduled for a duty in advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

Insert at the beginning: *when scheduling*.

Reason: In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

Request: AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

Supported, but the term day and night duties should be defined (see UK CAP 371).

Request: AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

Request: The advance needs to be defined in CS or AMC.

Reason: See reason to OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

Replace: provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: Hypoglycaemia and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule during a scheduled seasonal period.

Replace: arrangements, the latest 33%

Reason: In order to achieve operational robustness operators should be encouraged to take action as soon as possible and not only after for the next seasonal period. See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. OPS 1.1105 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this

before the end of the season.

comment

2598

comment by: *Deutsche Lufthansa AG*

**Relevant Text:** OR.OPS.015 FTL Operator Responsibilities

**Comment:** Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material

**Proposal:** modify as follows

OR.OPS.015 Operator **and Crew** Responsibilities

....

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered

(n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment

2719

comment by: *Philipp Peterhans*

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment

2729

comment by: *BALPA*

Section (a) - The word "sufficiently" is too vague - a stronger description is required.

Section (b) - See our comments on AMC OR.OPS.015.FTL NOMINATION OF A HOME BASE.

Section (c) - "sufficiently free from fatigue" - Who will define this? We also suggest using "an adequate level of alertness" rather than "a satisfactory level of safety" to enhance the intent.

Section (d) - We feel this sentence is open to interpretation and that the following adjusted text from EUOPS Subpart Q section OPS 1.1105 (1.2) should be used. "An operator shall specify reporting times that realistically reflect the time for all pre-flight safety related ground duties"

Section (e) - This section is too lax in its' content and is open to interpretation. Changing "..give consideration.." to "..are required to fully appreciate.." would alleviate our concerns.

Section (f) - This should be bolstered with a reference to using the available scientific data and identifying poor practices through the operators FRMS.

Section (g) - Again, a reference to the use of data extracted from the operators FRMS should be highlighted regarding this area.

Section (h) - Our point highlighted in Section (a) is valid again here. The phrase "...sufficiently in advance;" is too open to interpretation. We would suggest a minimum of 14 days notice would be acceptable.

Section (i) - Three points here:

1) The word "opportunity" is too vague - It doesn't specify whether the operator will supply sustenance during this time which we believe is the intention.

2) The word "must" has been omitted which was in Subpart Q. This needs to be reinstated.

3) We expect that the scientific answer to question 17, published in the Moebus Review, will be incorporated into this section.

Section (k) - There is no definition of the word "planned". This is very open to interpretation.

Section (l) - There are no guidelines as to how often this data will be interrogated or acted upon. For example, addressing the issue at the end of a scheduled series will be too late to react! See comments in AMC OR.OPS.015 FTL (l).

comment 2740 comment by: *Civil Aviation Authority of Norway*

The phrasing; "where applicable etc", should be removed.

comment 2748 comment by: *Civil Aviation Authority of Norway*

Comment to subsection (a): The time period "in advance" should be specified. We suggest two weeks should as a norm.

comment 2749 comment by: *Civil Aviation Authority of Norway*

Comment to subsection (h): The time period "in advance" should be specified. We suggest two weeks as a norm. Directive EC /2000/79 states a requirement for a number of days at home base, and this should be taken into this Ops.

comment 2834 comment by: *Ph.Walker*

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment 2925 comment by: *Gregor Rozina*

a) publish duty rosters sufficiently in advance to provide the opportunity for crew members to plan adequate rest;

Request: What does sufficiently mean? CS should establish what sufficiently in advance means in days.

Reason: Not knowing when a crew member will be scheduled for a duty in advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

Insert at the beginning: *when scheduling*.

Reason: In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

Request: AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties; Supported, but the term day and night duties should be defined (see UK CAP 371).

Request: AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

Request: The advance needs to be defined in CS or AMC.

Reason: See reason to OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

Replace: provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: Hypoglycemia and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

~~(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a significant proportion of flights in that schedule during a scheduled seasonal period.~~

Replace: arrangements, the latest

33%

Reason: See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. OPS 1.1105 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season.

comment

2958

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:** OR.OPS.015 FTL Operator Responsibilities

**Comment:** Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material

**Proposal:** modify as follows

OR.OPS.015 Operator **and Crew** Responsibilities

....

(m) A crew member shall not operate an aeroplane if he/she knows that

he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered  
 (n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment

3042

comment by: UCC SLO

(a) publish duty rosters sufficiently in advance to provide the opportunity for crew members to plan adequate rest;

Request: What does sufficiently mean? CS should establish what sufficiently in advance means in days.

Reason: Not knowing when a crew member will be scheduled for a duty in advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

Insert at the beginning: *when scheduling,*

Reason: In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

Request: AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

Supported, but the term day and night duties should be defined (see UK CAP 371).

Request: AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

Request: The advance needs to be defined in CS or AMC.

Reason: See reason to OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

Replace: provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do

not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: Hypoglycemia and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a ~~significant proportion~~ of flights in that schedule during a scheduled seasonal period.

Replace: arrangements, the latest  
33%

Reason: See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. OPS 1.1105 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season.

comment

3153

comment by: DGAC

**Proposal:** Amend the text by adding a new item (m) as follows:

"An operator shall, where applicable to the type of operation:

[...]

**(m) provide the pilot-in-command with the maximum flight duty period (Max-FDP), when applicable, of the flight or series of flight, to enable the pilot-in-command assessing the need for an increase by his/her discretion of the FDP beyond the Max-FDP, submitted to a report as required in (b) of OR.OPS.035.FTL 'Flight Duty Period (FDP)'**"

**Justification:** The pilot-in-command needs to be provided with the relevant information to be in a position of exercising his/her discretion as laid down in OR.OPS.035.FTL. The terms "when applicable" should be understood as "when the FDP is close to the Max-FDP."

comment

3178

comment by: Lufthansa CityLine GmbH

**OR.OPS.015.FTL**

**Operators responsibility**

(i)

The assignment to "Operators responsibility" and the change of wording from "A meal and drink opportunity must occur" (OPS 1.1130 Nutrition) to "Operators responsibility : provide a meal and drink opportunity..." may lead to a different interpretation of the operators responsibility for nutrition.

It might even encourage demands for food and drink "to provide" by the operator.

comment

3208

comment by: *Virgin Atlantic Airways***Comment:**

Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS rather than EASA proposal to downgrade the crew responsibilities to guidance material.

**Proposed Text:**

Modify as follows

OR.OPS.015 Operator and Crew Responsibilities

...

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered.

(n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly:

comment

3252

comment by: *Hans MESSERLI*

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment

3300

comment by: *cfdt france***OR.OPS.015.FTL Operator responsibilities**

(a) publish duty rosters sufficiently in advance to provide the opportunity for crew members to plan adequate rest;

**CFDT FRANCE UNION & ETF Request:** What does sufficiently mean? CS should establish what sufficiently in advance means in days.

Reason: Not knowing when a crew member will be scheduled for a duty in advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

**The C FDT & ETF demand an Insert at the beginning:** "when scheduling....",

Reason: In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

Request: AMC and GM should give guidance on how this should be taken into account when scheduling.

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

**Supported by CFDT and ETF**, but the term day and night duties should be defined (see UK CAP 371).

Request: AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

(h) plan local days free of duty and notify crew members sufficiently in advance;

**Request CFTD France & ETF:** "The advance" needs to be defined in CS or AMC.

Reason: See reason OR.OPS.015.FTL (a)

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

Replace: provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: **Hypoglycaemia** and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

(l) take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period on a ~~significant proportion~~ of flights in that schedule during a scheduled seasonal period.

**The CFTD & ETF Crew demand** Replacement : arrangements, the latest and 33% of flights instead of " a significant proportion"

Reason: See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. *OPS 1.1105* 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season.

comment

3480

comment by: *Trans Héli (pf)*

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment

3549

comment by: *KLM Cityhopper*

**Comment:** Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material

**Proposal:** modify as follows

OR.OPS.015 Operator **and Crew** Responsibilities

....

(m) A crew member shall not operate an aeroplane if he/she knows that

he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered  
 (n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment 3642

comment by: AIR FRANCE

Relevant Text: OR.OPS.015 FTL Operator Responsibilities  
 Comment: Fatigue and FTL are a joint responsibility of the operator and crew concerned. Therefore the crew responsibilities should be in hard law (implementing rules) as is the case today in EU-OPS (Regulation (EC) 1899/2006) rather than EASA proposal to downgrade the crew responsibilities to guidance material  
 Proposal: modify as follows  
 OR.OPS.015 Operator and Crew Responsibilities  
 ....  
 (m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered  
 (n) Crew Members should make optimum use of the opportunities and facilities for rest provided and plan and use their rest periods properly

comment 3688

comment by: Bristow Helicopters

AMC required to expand on what is considered an acceptable meal and drink opportunity.

comment 3695

comment by: Swiss Helicopter Group

Point 30 : Blood, organs or drugs which does not need any medical equipment shall not be considered as HEMS. The final decision shall remain with the National Authority.

comment 3795

comment by: Swiss Helicopter Group

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment 3835

comment by: IACA International Air Carrier Association

Fatigue and FTL are joint responsibilities of operator and crew. While crew responsibilities are in hard law in EU-OPS 1.085, the EASA proposal downgraded the crew responsibilities to GM (GM OP.OPS.025.FTL – FRMS and GM OR.OPS.325.TFL – FRMS).

Change title to "Operator and Crew Responsibilities" and add:

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered.

(n) Crew members shall plan and make optimum use of the opportunities and facilities for rest provided.

comment 3836

comment by: IACA International Air Carrier Association

(b)  
Home base changes in excess of 4 times in any calendar year can be mutually agreed between operator and crew member.

comment 3875 comment by: *Eliticino SA*

i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment 3891 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

**FTL Operator responsibilities**

Fatigue and FTL are joint responsibilities of operator and crew. While crew responsibilities are in hard law in EU-OPS 1.085, the EASA proposal downgraded the crew responsibilities to GM (GM OP.OPS.025.FTL – FRMS and GM OR.OPS.325.TFL – FRMS).

Change title to “Operator and Crew Responsibilities” and add:

(m) A crew member shall not operate an aeroplane if he/she knows that he/she is suffering from or is likely to suffer from fatigue or feels unfit, to the extent that the flight might be endangered.

(n) Crew members shall plan and make optimum use of the opportunities and facilities for rest provided.

**FTL Operator responsibilities (b)**

Change “12 calendar months” by “one calendar year”.

Additionally: home base changes in excess of 4 times in any calendar year can be mutually agreed between operator and crew member.

comment 3906 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Change “12 calendar months” by “one calendar year”.

Additionally: home base changes in excess of 4 times in any calendar year can be mutually agreed between operator and crew member.

comment 3980 comment by: *CUD*

(a) publish duty rosters sufficiently in advance to provide the opportunity for crew members to plan adequate rest;

Request: What does sufficiently mean? CS should establish what sufficiently in advance means in days.

Reason: Not knowing when a crew member will be scheduled for a duty in advance is stress and fatigue generating. Issuing CS that establish a minimum advance allow for enough flexibility for any kind of operation.

comment 3981 comment by: *CUD*

(e) take into account the relationship between the frequencies and pattern of flight duty periods and rest periods and give consideration to the cumulative effects of undertaking long duty hours combined with minimum rest periods;

Insert at the beginning: *when scheduling,*

Reason: In order to generate a legal obligation of a precise action that shall follow the *taking into account*, this action *scheduling*, should be mentioned for more clarity.

Request: AMC and GM should give guidance on how this should be taken into account when scheduling.

comment

3982

comment by: CUD

(f) allocate duty patterns which avoid practices that cause a serious disruption of established sleep/work pattern such as alternating day/night duties;

Supported, but the term day and night duties should be defined (see UK CAP 371).

Request: AMC and GM should take up the recommendation made by MOEBUS in the answer to question 4; reporting times should not be advanced on consecutive days.

Reason: Sleep deprivation, especially in the WOCL, has a detrimental effect on alertness.

comment

3983

comment by: CUD

(h) plan local days free of duty and notify crew members sufficiently in advance;

Request: The advance needs to be defined in CS or AMC.

Reason: See reason to OR.OPS.015.FTL (a)

comment

3984

comment by: CUD

~~(i) provide a meal and drink opportunity in order to avoid any detriment to a crew member's performance, especially when the Flight Duty Period (FDP) exceeds six hours;~~

Replace: provide a 20 minute meal break for any six hours Flight Duty Period (FDP) with an additional 10 minute break for any three hours of FDP that do not contain a meal break in order to avoid any detriment to a crew member's performance;

Reason: Hypoglycaemia and hypo hydration are likely to occur on long duty hours and will result in increased fatigue, loss of concentration and detrimental to alertness.

comment

3985

comment by: CUD

(l) take action to change a schedule or crewing ~~arrangements~~ where the actual operation exceeds the maximum flight duty period on a ~~significant proportion~~ of flights in that schedule during a scheduled seasonal period.

Replace: arrangements, the latest

33%

Reason: In order to achieve operational robustness operators should be encouraged to take action as soon as possible and not only after for the next seasonal period. See Art. 22 2. (a) of BR Initially, the implementing rules shall include all substantive provisions of Subpart Q of Annex III to Regulation (EEC) No 3922/91. The 33% rule should be considered a substantive provision of Subpart Q. *OPS 1.1105* 4. Operational Robustness 4.1. Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements **at the latest** where the actual operation exceeds the maximum FDP on more than 33 % of the flights in that schedule during a scheduled seasonal period.

The proposed text in the NPA is less restrictive; the article in Subpart Q establishes an obligation and a recommendation. The operator must correct after concluding the season, but it reads *the latest*, the operator should do this before the end of the season.

comment 4094

comment by: Juergen Hauk

EASA NPA 2009-02c - **OR.OPS.015.FTL - Operator responsibilities**

An operator shall, where applicable to the type of operation:

(a) **publish duty rosters sufficiently in advance** to provide the opportunity for crew members to plan adequate restan>

(h) **plan local days free of duty and notify crew members sufficiently in advance**an

Also the **European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation**

does not specify any time: Clause 9: "... notified in advance ...".

?? How much time is sufficient? Is it four hours before midnight, or 3 days, or one week, or ... ??

I expect the rulemaker - EASA - to state this clearly

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 -  
OR.OPS.020.FTL Records of flight and duty times and rest periods**

p. 26

comment 5

comment by: AIR SAFETY GROUP

**OR.OPS.FTL Records of flight and duty times and rest periods.**

**Numbering of paragraphs incorrect - suggest (c), (a) and (b) should read as follows: -**

**(c) (1) and (2) to tie in with previous paragraph (b) (1) (2) and (3)**

comment 392

comment by: Ryanair

**OR.OPS.020.FTL(b)(i)**

**Comment**

The word 'flight time' conflicts with the term 'flight time' that is used for Engineering records.

**Proposal**

Change the word 'flight time' to 'block time'

**OR.OPS.020.FTL (b)****Comment**

This requirement gives no protection to the Operator and would facilitate crew members in moving from one operator to another without fulfilling their contractual obligations. There is no basis in safety for this requirement.

**Proposal**

Revert to EU-OPS wording as specified in 1.1135 1. (c)

".....Copies of these records will be made available to the crew member upon request"

comment 456

comment by: *Condor Flugdienst GmbH - FRA HO/R*

**"Functions for more than one operator..."** Acc. to Condor Flugdienst GmbH, it is to be doubted that any operator is able to fulfill this requirement. The responsibility to keep records on flight, duty and rest times carried out for another operator can not be located with the operator. This responsibility has to be addressed with the regarding CM.

**"Reports by the pilot in command on extended flight duty periods...":** EASA shall confirm this article refers only to commanders discretion of a flight duty period.

comment 544

comment by: *SCCA Scandinavian Cabin Crew Association*

Records should be kept for a longer period than 15 months. 24 months are more sufficient for an accurate understanding of possible long term fatigue. This is to facilitate investigations of incidents and accidents.

comment 719

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1086

comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.020.FTL(b) (1):

This text is duplicated in OR.OPS.320.FTL (a), but as a contradiction all records shall be kept for 15 months, not only those mentioned in (iii). These regulations should be consolidated and merged.

## Justification:

All crew members and especially the commander are required to meet the limitations of their TL scheme at all times. Thus records must be made available in a way which allows the crew member to assess the present status especially in regards to accumulated limits.

To make these records available just upon request will typically fall short of the individual crew member's tasks as well as of the commander's responsibility.

comment 1092 comment by: ECA - European Cockpit Association

Comment on OR.OPS.020.FTL(b) (1) ii: change as follows:

Start, duration and end of each duty **and or** flight duty period;

## Justification:

Both concepts must be included.

comment 1094 comment by: ECA - European Cockpit Association

Comment on OR.OPS.020.FTL(b) (3):

Text duplicated in OR.OPS.320.FTL (b); these regulations should be consolidated and merged.

comment 1095 comment by: ECA - European Cockpit Association

Comment on OR.OPS.020.FTL(c)(b):

The bullet points should be marked (1) and (2), not (a) and (b). New text added in (b) give enhanced security for compliance with FTL limits as records also shall be provided directly between operators.

comment 1195 comment by: Sven Freisenich

It has to be clear that it remains the responsibility of the individual crew member to monitor its individual cumulative flight/duty times and rest times. It can never be the responsibility of the operator what a crew member does elsewhere, including what the crew member is doing during rest time. See also comments under OR.OPS.015.FTL

What are extended flight hours ?

EASA shall confirm this refers to extended flight duty periods at the discretion of the pilot-in-command (OR.OPS.035.FTL(b)).

comment 1296 comment by: UK CAA

**Page No:** 26

**Paragraph No:** OR.OPS.020.FTL (c)

**Comment:** It is suggested that the operator should be required in this rule to also provide (upon request) these records to the competent authority.

**Justification:** The competent authority should also have immediate access to these records.

**Proposed Text (if applicable):**  
Add "(c) to the competent authority "

comment 2069 comment by: *IAOPA Europe*

How is it expected that a one-man non-commercial operator of a complex aircraft who only uses his aircraft for recreational purposes should define and record duty time and rest periods? When is he on duty and when is he off duty if he flies only for his own private pleasure? The concept of duty and rest period does not make sense in this context.

Either the applicability should be changed or the rules must be written so they fit all kinds of operations for which they apply.

comment 2752 comment by: *Civil Aviation Authority of Norway*

Comment to subsection (b) (3): 6 mnd for such reports seems too short and could make it problematic to get information on trends and for statistic. We suggest that the reports instead should be kept for at least 15 months.

comment 2756 comment by: *BALPA*

We agree with the content in this section

comment 2824 comment by: *Deutsche Lufthansa AG*

**Relevant text:**

Functions for more than one operator.

**Comment:**

The proposal significantly deviates from the EU-OPS principle by transferring the responsibility to keep ALL records from the crew member to the operator.

**Proposal:**

Re-align with EU-OPS 1.1135:

2. If the records held by the operator under paragraph 1 do not cover all of his/her flight duty, duty and rest periods, the crew member concerned shall maintain an individual record of his/her:

(a) block times;

(b) start, duration and end of each duty or flight duty periods; and

(c) rest periods and days free of all duties.

3. A crew member shall present his/her records on request to any operator who employs his/her services before he/she commences a flight duty period.

comment 2825 comment by: *Deutsche Lufthansa AG*

**Relevant text:**

(b)(3) Reports by the pilot in command ...

**Comment:**

PIC and Commander are not the same, as commented at relevant places on crew responsibilities.

**Proposal:**  
re-align to EU OPS wording:  
(b)(3) Reports by the Commander ...

comment

3154

comment by: DGAC

Employees who work for different operators and operators which employ those personnel have the responsibility to inform the respective operators of their schedule.

However due to the expected difficulty to integrate in time or even to develop schedule in advance, safety will be impacted since the operator will not be able to manage the fatigue of their crew under FRMS. The impact on fatigue of planned operator schedule cannot be determined and countermeasures cannot be implemented.

comment

3601

comment by: Civil Aviation Authority Finland

*Comment and proposal:*

There should be also requirements, how the operator shall handle flight, duty and rest period records, rostering and supervision of the FDT restrictions ensuring that, a crew member, who same time is flying for two or more operators or working as flight instructor for some commercial training organization, remains free from fatigue to operate safely for the operator.

The combined hours of flight, duty and rest times must be recorded, calculated and followed.

Of course the pilot has the final responsibility not to fly when feeling himself fatigue, but the operator must have the knowledge (records) and is responsible to ensure that his crew member stays under the limits given in the requirements.

*Justification:*

Only mentioning in OR.OPS.020.FTL (c) another operator to whom the operator upon request shall provide copies of individual records is not enough, because the other operator may not know, that the pilot is working for that operator, too.

We know several pilots, who are on side the main job as airline pilot flying part time for some smaller operator or as instructor for flying school. We have found some cases, when the combined flight and duty times have been much over the restrictions.

Ref. See discussion in EU-ASC OPS Mtg. 24.10.2008 para.3.2 and attached e-mail copy:

**Lähetäjä:** Maria-Aranzazu.HERNANDEZ-ANTUNEZ@ec.europa.eu  
[mailto:Maria-Aranzazu.HERNANDEZ-ANTUNEZ@ec.europa.eu]

**Lähetetty:** 17. joulukuuta 2008 14:34

**Vastaanottaja:** Kivinen Jorma

**Kopio:** Gernot.KESSLER@ec.europa.eu; herbert.meyer@easa.europa.eu;  
virgilijus.valentukevicius@easa.europa.eu; betty.lecouturier@easa.europa.eu;  
jean-marc.cluzeau@easa.europa.eu

**Aihe:** RE: Procedural question

Dear Mr Kivinen,

Sorry for taking so much time to answer your question due to the important

workload the last weeks.

I'm coming back to you specially in case your colleague Reijo Lamberg hasn't informed you on this topic yet.

As explained, we analysed carefully your question with EASA and discussed it with the Member States during the meeting of the Air Safety Committee that took place on 24.10.2008, where the following conclusions were drawn:

3.2. OPS 1.1100 and 1.1135- Pilots flying as instructors and for commercial transport: total block times and cumulative duty hours. It was agreed that EU-OPS obligations do not fully ensure reporting and taking into account Flight Duty Periods (FDPs), duty periods and block times spent in separate air activities conducted by the same crew member. Where pilots conduct flights outside the commercial transport activity of EU-OPS, or even work for more than one operator, this practice could lead to exceeding the maximum limits contained in OPS 1.1100. Most members agreed that private flying activities create less concern than commercial ones. Not all Member States (MSs) address this issue. The Commission concluded that this matter will be addressed through the future IRs based on the EASA Regulation 216/2008. It was agreed that the practice established by Finland did not constitute a derogation to EU-OPS and therefore did not require a notification to the Commission in accordance with article 8(1).

In summary, we fully support the need to clarify the obligations contained under your circular letter of 12 August 2008 within EU-OPS, but consider that a notification according to Article 8(1) is not necessary. EASA will include clearer obligations on the forthcoming NPA on OPS, which publication is foreseen on 30 January 2009.

I hope this responds to your questions and remain at your disposal for any other query.

I also wish you Merry Christmas and an Excellent 2009!

**Arantxa HERNÁNDEZ ANTÚNEZ**

*European Commission  
DG TREN F3 - Air Safety  
DM 24, 05/15  
Tel. 60084*

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**This communication does not constitute any formal commitment on behalf of the Commission.**

**P** Economising paper - Do you really need to print this e-mail?

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**From:** Kivinen Jorma [mailto:jorma.kivinen@ilmailuhallinto.fi]

**Sent:** Tuesday, September 16, 2008 2:24 PM

**To:** HERNANDEZ ANTUNEZ Maria Aranzazu (TREN)

**Cc:** Metsälampi Susanna; Toivonen Eero; Petramo Veli-Matti; Kausalainen Eero

**Subject:** Procedural question

## Reference:

Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006, Article 1, para 10) (amending Article 8 of Regulation EEC No 3922/91), especially the text: "If the safety problem results from an inadequate level of safety provided for by the common technical requirements and administrative procedures . . .".

Dear Ms Hernandez-Antunez,

The Finnish Civil Aviation Authority has with a circular letter of 12 August 2008 to commercial air transport operators determined that in case of the same person working for flight training requiring a permit as an instructor in a flight school (except sport aviation clubs) and, on the other hand, as a flight crew member in commercial air transport, the flight and duty times of both tasks shall be summarized and the total of these be restricted as follows:

1. Limits on total block times
  - a) 100 block hours in any 28 consecutive days
  - b) 900 block hours in a calendar year.
2. Limits on cumulative duty hours
  - a) 190 duty hours in any 28 consecutive days
  - b) 2000 duty hours in a calendar year.

This is to maintain an adequate level of safety, by ensuring that crew members remain sufficiently free from fatigue to operate an aircraft safely in commercial air transport, despite of their demanding work as flight instructors in commercial flight schools.

Now we would like to ask if this measure is of such kind that it necessitates informing the Commission and the other Member States officially, according to the Regulation (EC) No 1899/2006.

Yours sincerely

\*\*\*\*\*

Jorma Kivinen

Yksikön päällikkö / Head of Unit

Lentotoimintaluvat / Flight Operations Approvals

Ilmailuhallinto / Finnish Civil Aviation Authority

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comment

3689

comment by: *Bristow Helicopters*

Whilst it is accepted that the operator should utilise a system of recording Flight Time and Duty records that offers simple portability we feel that there should be a greater onus on the individual to provide this information to a new operator, rather than the onus being on the operator. The 'old' operator can only provide information that has been provided by the individual and so may not have the Onus should be on individual not operator

comment 3744 comment by: *Christian Hölzle*  
 i) : This is not the job of the operator. Pilots are not helpless and are big enough to look after themselves.

comment 3838 comment by: *IACA International Air Carrier Association*  
 (b)(2)  
 It has to be clear that it remains the responsibility of the individual crew member to monitor its individual cumulative flight/duty times and rest times. It can never be the responsibility of the operator what a crew member does elsewhere, including what the crew member is doing during rest time. See also comments under OR.OPS.015.FTL.

comment 3841 comment by: *IACA International Air Carrier Association*  
 (b)(3)  
 What are extended flight hours ?  
 EASA shall confirm this refers to extended flight duty periods at the discretion of the pilot-in-command (OR.OPS.035.FTL(b)).

comment 3893 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*  
 It has to be clear that it remains the responsibility of the individual crew member to monitor its individual cumulative flight/duty times and rest times. It can never be the responsibility of the operator what a crew member does elsewhere, including what the crew member is doing during rest time. See also comments under OR.OPS.015.FTL  
 What are extended flight hours ?  
 EASA shall confirm this refers to extended flight duty periods at the discretion of the pilot-in-command (OR.OPS.035.FTL(b)).

comment 3907 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*  
 It has to be clear that it remains the responsibility of the individual crew member to monitor its individual cumulative flight/duty times and rest times. It can never be the responsibility of the operator what a crew member does elsewhere, including what the crew member is doing during rest time. See also comments under OR.OPS.015.FTL.

comment 3908 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*  
 What are extended flight hours ?  
 EASA shall confirm this refers to extended flight duty periods at the discretion of the pilot-in-command (OR.OPS.035.FTL(b)).

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 - OR.OPS.025.FTL Fatigue Risk Management System (FRMS)**

p. 26

comment 209 comment by: *Eurowings Luftverkehrs AG*  
 FRMS is clearly a part of the Safety Management System. As stated by the

EASA during the meeting in Cologne on 11.03.09 this chapter is not be understood as a need for implementing further rules in the CMS. Therefore this whole chapter has definitely to be taken out from the section of "Flight Duty and limitations and rest time requirements" and be moved. The existing limitations and rest time requirements are sufficient to ensure duty rosters that avoid fatigue. FRMS as part of a Management System is wrongly placed here!

comment 382 comment by: *Condor Flugdienst GmbH - FRA HO/R*  
 We, Condor Flugdienst GmbH, cannot properly comment to proposed ICAO FRMS document, as this will only be adopted late this year.

comment 393 comment by: *Ryanair*

**OR.OPS.025.FTL – Fatigue Risk Management Systems**

**Comment**

This requirement takes no account of airlines which have made significant investment in scientific and technical evaluation of FTL Schemes and changes to these schemes.

**Proposal**

An operator shall:

(a) establish, implement and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met *or*

(b) *In agreement with the Competent Authority, commission independent scientific analysis of their FTL Scheme and changes to this Scheme to ensure that the safety objectives of the Essential Requirements are met*

comment 457 comment by: *Condor Flugdienst GmbH - FRA HO/R*  
 Condor Flugdienst GmbH can not properly comment to proposed ICAO FRMS document, as this will only be adopted late this year.

comment 466 comment by: *CAA-NL*

Attachment [#13](#)

*General remark CAA-NL*

The CAA-NL asks EASA to incorporate in the regulations regarding Flight time limitations the conclusions mentioned in the Moebus report (See attachment).

comment 546 comment by: *SCCA Scandinavian Cabin Crew Association*

Representatives of cockpit and cabincrew should be included in FRMS to ensure its reliability and to have an impact on their workingconditions.

If crew members report fatigue to a degree where safety is affected should it not clearly say that operator is obliged to take action. Short term and long

term to ensure flight safety.

comment 637 comment by: *easyjet safety*

(d)

Comment: Textual Clarification

Proposal: Replace "and that" by " and believe that" before "safety may be affected"

comment 720 comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1093 comment by: *AEA*

**Relevant Text:**

(a) An operator shall establish, implementing and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met

(b) The FRMS shall be adapted to manage the operational risk of the operator arising from crew member fatigue

(c) The FRMS shall correspond to the roster system or flight time specification scheme used by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected

(e) The operator shall take mitigating safety measures when the FRMS process shows that required safety performance is not maintained

**Comment:**

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q) as proposed by EASA. It should remain at the individual operators' discretion to implement FRMS for his entire operation. EASA's proposal would lead to huge organizational cost and will lead to social discussions for questionable safety benefits. We therefore urge EASA to stick to Subpart Q of EU-OPS.

In addition, there should not be a separate management system for fatigue since fatigue is only one input to the airline Safety Management System (SMS) along other potential safety hazards. As part of the SMS, crew member can already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

The AEA would like to point out that there has, however, not been any safety accident or incidents involving EU airlines where fatigue has been the cause. It therefore seems rather strange to give fatigue a different level of priority and separate management system than the approach taken for more important safety hazards (bird strikes, ATC related hazards, runway incursions etc)

As explained above, there should not be a requirement for using the SMS when the airline operator has an individual Flight Time Limitation Scheme which remains within the boundaries of Subpart Q of EU-OPS (Regulation (EC) 1899/2006). FTL schemes which comply with EU-OPS have proven to be safe based on decades of safe operational experience. The SMS should only be used when an operator wants to go beyond the limits of the current Subpart Q of EU-OPS.

**Proposal:** Delete current text of OR.OPS.025 FTL Fatigue Risk Management Systems (FRMS) and replace it with

*OR.OPS.025.FTL Fatigue Risk Management*

*(a) An operator shall establish flight and duty time limitations and rest scheme (FTL) for crew members with the aim to manage fatigue risk*

*(b) An operator shall ensure that for all its flights, the flight and duty time limitations and rest scheme are in accordance with an approved individual Flight and Duty Time Limitation (FTL) scheme. All individual FTL schemes as initially accepted for compliance with Subpart Q of Regulation (EC) 1899/2006 are considered as an approved FTL scheme for this purpose.*

*(c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its safety management system – can demonstrate to the Authority that its request for a variation produces an equivalent level of safety.*

comment

1098

comment by: ECA - European Cockpit Association

Comment on OR.OPS.025.FTL(b): change as follows:

The FRMS shall be adapted to manage the operational risk(s) of the operator **arising from crew member fatigue, comprising a comprehensive range of procedures which are both scientifically based and data-driven, allowing a cooperative and flexible means of managing crew member fatigue.**

Justification:

FRMS must include the latest conclusions derived from scientific knowledge. Therefore being the FRMS part of the operator's Management System, it should be based on a data-driven procedures.

comment

1099

comment by: ECA - European Cockpit Association

Comment on OR.OPS.025.FTL:

(a) An operator shall establish, implement and maintain an FRMS as an integral part of its **safety** management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met.

Justification:  
This important clarification is required, in line with ICAO wording.

comment 1100 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.025.FTL(d):

The operator shall require that crew members report any instance if they **know they are** are fatigued and that safety may be affected. **Appropriate training must be provided by the operator.**

Justification:

Crews are no fatigue specialists, they may not always realise in time they are fatigued. Crews can only report this when they are sufficiently aware of the fatigue.

comment 1102 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.025.FTL(e): Further explanation is needed to identify the "required safety performance".

comment 1196 comment by: *Sven Freisenich*

Stakeholders cannot properly comment to proposed ICAO FRMS document, as this will only be adopted later this year and is not available to stakeholders.

The current EU-OPS FTL schemes are proven safe based on decades of operational experience. Operators consider fatigue as an input to the airline's Safety Management System (SMS), along with other potential safety hazards such as bird strikes, ATC related hazards, runway incursions...There should not be a separate management system for fatigue. Crew members can already report any event that may endanger flight safety and the operators are required to take mitigating actions under that SMS.

Add new paragraph: **OR.OPS.025.FTL Fatigue Risk Management**

(a) (f) The Competent Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme, provided that the operator - using operational experience and output from its safety management system - can demonstrate to the Competent Authority that its request for a variation produces an equivalent level of safety.

comment 1563 comment by: *British Airways*

The proposal to require a Fatigue Risk Management System (FRMS) will lead to endless social tension/discussions and huge costs for the airlines whereas it does not reflect the fact that FRMS is only proposed (as draft) by ICAO for specific type of flights (i.e.. Ultra Long Range Flights - currently not operated by EU airlines) that go beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS. Whether or not to implement an FRMS should therefore remain an individual airline's decision to get additional flexibility for specific flights.

Our proposal would be to remove the whole section and replace with:

**OR.OPS.025.FTL Fatigue Risk management**

- (a) An operator shall establish Flight and duty time Limitations and rest Scheme (FTL) for crew members with the aim to manage Fatigue Risk.
- (b) An operator shall ensure that for all its flights, the Flight and Duty time Limitations and rest Scheme are in accordance with an approved individual Flight and Duty Time limitation (FTL) Scheme. All individual FTL Schemes as initially accepted for compliance for Sub Part Q of regulation (EC) 1899/2006 is considered as an approved FTL Scheme for this purpose.
- (c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL Scheme as referred to in (b), provided the operator – using operational experience and output from its Safety Management System – can demonstrate to the Authority that its request for a variation produces an equivalent level of safety.

comment 1605

comment by: TAP Portugal

**Relevant Text:**

- (a) An operator shall establish, implementing and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met
- (b) The FRMS shall be adapted to manage the operational risk of the operator arising from crew member fatigue
- (c) The FRMS shall correspond to the roster system or flight time specification scheme used by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL
- (d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected
- (e) The operator shall take mitigating safety measures when the FRMS process shows that required safety performance is not maintained

**Comment:**

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q) as proposed by EASA. It should remain at the individual operators' discretion to implement FRMS for his entire operation. EASA's proposal would lead to huge organizational cost and will lead to social discussions for questionable safety benefits. We therefore urge EASA to stick to Subpart Q of EU-OPS.

In addition, there should not be a separate management system for fatigue since fatigue is only one input to the airline Safety Management System (SMS) along other potential safety hazards. As part of the SMS, crew member can already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

The AEA would like to point out that there has, however, not been any safety accident or incidents involving EU airlines where fatigue has been the cause. It therefore seems rather strange to give fatigue a different level of priority and separate management system than the approach taken for more important safety hazards (bird strikes, ATC related hazards, runway incursions etc).

As explained above, there should not be a requirement for using the SMS when the airline operator has an individual Flight Time Limitation Scheme which remains within the boundaries of Subpart Q of EU-OPS (Regulation (EC) 1899/2006). FTL schemes which comply with EU-OPS have proven to be safe

based on decades of safe operational experience. The SMS should only be used when an operator wants to go beyond the limits of the current Subpart Q of EU-OPS.

**Proposal:** Delete current text of OR.OPS.025 FTL Fatigue Risk Management Systems (FRMS) and replace it with

*OR.OPS.025.FTL Fatigue Risk Management*

(a) *An operator shall establish flight and duty time limitations and rest scheme (FTL) for crew members with the aim to manage fatigue risk*

(b) *An operator shall ensure that for all its flights, the flight and duty time limitations and rest scheme are in accordance with an approved individual Flight and Duty Time Limitation (FTL) scheme. All individual FTL schemes as initially accepted for compliance with Subpart Q of Regulation (EC) 1899/2006 are considered as an approved FTL scheme for this purpose.*

(c) *The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its safety management system – can demonstrate to the Authority that its request for a variation produces an equivalent level of safety.*

comment 1740

comment by: Jill Pelan

**OR.OPS.025.FTL Fatigue Risk Management System (FRMS)**

**GENERAL CFDT COMMENT**: THE FRMS remains a vague conception for many of us (authorities, unions, associations, personnel..) How exactly does a FRMS "ensure" safety? Also "Mitigating safety measures" seem to lack precision.

CS material has to conform to the FRMS which remains a mystery system ---

**this is a reason that leads the CFDT to ask for all FTL provisions to be hard rule material - IR's.**

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

CFDT FRANCE Comment: This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

**THE CFDT France demands Repl acement & additi on** : "crew members have the right to refuse flight duty when suffering from fatigue of such a nature that they feel they may not be able to safely continue duties. This should not be contested by operators or authorities."

**Reason** : ICAO Annexe 6- 2.3.2. "an important safeguard may be established if states and operators recognise the right of a crew member to refuse further flight duty when suffering from fatigue of such a nature as to adversely affect the safety of flight"

French legislation : Decree of 11 July 1991 relative to fatigue of crew members:

"A crew member must abstain from duty if she/he feels any type of deficiency that leads Him/her to believe that she/he may not have the necessary aptitude to exercise his/her duties".

comment 1770

comment by: Sean Butler, bmi

**Page: 26 Section: OR.OPS.025.FTL Fatigue Risk Ma nagement S ystem (FRMS)**

Relevant Text:

- (a) An operator shall establish, implementing and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met
- (b) The FRMS shall be adapted to manage the operational risk of the operator arising from crew member fatigue
- (c) The FRMS shall correspond to the roster system or flight time specification scheme used by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL
- (d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected
- (e) The operator shall take mitigating safety measures when the FRMS process shows that required safety performance is not maintained

Comment:

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q) as proposed by EASA. It should remain at the individual operators' discretion to implement FRMS for their entire operation. EASA's proposal would lead to huge organizational cost and will lead to social discussions for questionable safety benefits. We therefore urge EASA to stick to Subpart Q of EU-OPS

In addition, there should not be a separate management system for fatigue since fatigue is only one input to the airline Safety Management System (SMS) along other potential safety hazards. As part of the SMS, crew member can already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

The introduction of any FRMS should be in proportion to the size of the operator and reflect the nature of the operation involved.

As explained above, there should not be a requirement for using the SMS when the airline operator has an individual Flight Time Limitation Scheme which remains within the boundaries of Subpart Q of EU-OPS (Regulation (EC) 1899/2006) or an approved acceptable means of compliance. FTL schemes which comply with EU-OPS have proven to be safe based on decades of safe operational experience. The FRMS should only be used when an operator wants to go beyond the limits of the current Subpart Q of EU-OPS.

Proposal: Delete current text of OR.OPS.025 FTL Fatigue Risk Management Systems (FRMS) and replace it with

OR.OPS.025.FTL Fatigue Risk Management

- (a) An operator shall establish flight and duty time limitations and rest scheme (FTL) for crew members with the aim to manage fatigue risk
- (b) An operator shall ensure that for all its flights, the flight and duty time limitations and rest scheme are in accordance with an approved individual Flight and Duty Time Limitation (FTL) scheme. All individual FTL schemes as initially accepted for compliance with Subpart Q of Regulation (EC) 1899/2006 are considered as an approved FTL scheme for this purpose.
- (c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its

safety management system – can demonstrate to the Authority that its request for a variation produces an equivalent level of safety

comment 1786 comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

except for balloons, remember the rule: make the rules proportional to the scale and scope and risk of the operation".

comment 1803

comment by: *KLM*

Relevant Text:

(a) An operator shall establish, implementing and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met

(b) The FRMS shall be adapted to manage the operational risk of the operator arising from crew member fatigue

(c) The FRMS shall correspond to the roster system or flight time specification scheme used by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected

(e) The operator shall take mitigating safety measures when the FRMS process shows that required safety performance is not maintained

**Comment:**

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q) as proposed by EASA. It should remain at the individual operators' discretion to implement FRMS for his entire operation. EASA's proposal would lead to huge organizational cost and will lead to social discussions for questionable safety benefits. We therefore urge EASA to stick to Subpart Q of EU-OPS.

In addition, there should not be a separate management system for fatigue since fatigue is only one input to the airline Safety Management System (SMS) along other potential safety hazards. As part of the SMS, crew member can already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

The AEA would like to point out that there has, however, not been any safety accident or incidents involving EU airlines where fatigue has been the cause. It therefore seems rather strange to give fatigue a different level of priority and separate management system than the approach taken for more important safety hazards (bird strikes, ATC related hazards, runway incursions etc)

As explained above, there should not be a requirement for using the SMS when the airline operator has an individual Flight Time Limitation Scheme which remains within the boundaries of Subpart Q of EU-OPS (Regulation (EC) 1899/2006). FTL schemes which comply with EU-OPS have proven to be safe based on decades of safe operational experience. The SMS should only be used when an operator wants to go beyond the limits of the current Subpart Q of

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**(a) An operator shall establish flight and duty time limitations and rest scheme (FTL) for crew members with the aim to manage fatigue risk**

**(b) An operator shall ensure that for all its flights, the flight and duty time limitations and rest scheme are in accordance with an approved individual Flight and Duty Time Limitation (FTL) scheme. All individual FTL schemes as initially accepted for compliance with Subpart Q of Regulation (EC) 1899/2006 are considered as an approved FTL scheme for this purpose.**

**(c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its safety management system - can demonstrate to the Authority that its request for a variation produces an equivalent level of safety**

comment

1849

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF:

**OR.OPS.025.FTL Fatigue Risk Management System (FRMS)**

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

**Comment:** This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

Add: (f) Crew members shall have the right to refuse flight duty when suffering from fatigue of such a nature that they feel they may not be able to safely continue duties. Their decision shall not be contested by operators or authorities.

Reason: ICAO Annexe 6- 2.3.2. reads: "an important safeguard may be established if states and operators recognise the right of a crew member to refuse further flight duty when suffering from fatigue of such a nature as to adversely affect the safety of flight". This ICAO recommendation is reflected in Annex IV 7.f. of Regulation 216/2008 and should therefore be reflected in the thereof emanating IR. Furthermore French and Spanish CAA have this principle enshrined in their FTL Rules:

French Decree of 11 July 1991 relative to fatigue of crew members:

"A crew member must abstain from duty if she/he feels any type of deficiency that leads Him/her to believe that she/he may not have the necessary aptitude to exercise his/her duties".

The Spanish CIRCULAR OPERATIVA 16 B SOBRE LIMITACIONES DE TIEMPO DE VUELO, MÁXIMOS DE ACTIVIDAD AÉREA Y PERIODOS MÍNIMOS DE DESCANSO PARA LAS TRIPULACIONES reads in its paragraph 2.: No obstante lo que se establece en estas normas, un Tripulante no volará, ni su Empresa le exigirá que lo haga, si aquel o ésta tienen razones bien fundadas para creer que el Tripulante está padeciendo fatiga excesiva o, teniendo en cuenta las circunstancias del vuelo particular que debe llevarse a cabo, es probable que llegue a acumular fatiga excesiva durante el mismo

comment 1867 comment by: *Gordana BOBERIC*

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

Comment: This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

comment 1934 comment by: *FSC - CCOO*

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Comment: This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

comment 1935 comment by: *FSC - CCOO*

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French Decree of 11 July 1991 relative to fatigue of crew members:  
 "A crew member must abstain from duty if she/he feels any type of deficiency that leads Him/her to believe that she/he may not have the necessary aptitude to exercise his/her duties".

The Spanish CIRCULAR OPERATIVA 16 B SOBRE LIMITACIONES DE TIEMPO DE VUELO, MÁXIMOS DE ACTIVIDAD AÉREA Y PERIODOS MÍNIMOS DE DESCANSO PARA LAS TRIPULACIONES reads in its paragraph 2.: No obstante lo que se establece en estas normas, un Tripulante no volará, ni su Empresa le exigirá que lo haga, si aquel o ésta tienen razones bien fundadas para creer que el Tripulante está padeciendo fatiga excesiva o, teniendo en cuenta las circunstancias del vuelo particular que debe llevarse a cabo, es probable que llegue a acumular fatiga excesiva durante el mismo.

comment 2119 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(a) An operator shall establish, implementing and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met

(b) The FRMS shall be adapted to manage the operational risk of the operator arising from crew member fatigue

(c) The FRMS shall correspond to the roster system or flight time specification scheme used by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected

(e) The operator shall take mitigating safety measures when the FRMS process shows that required safety performance is not maintained

**Comment:**

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q) as proposed by EASA. It should remain at the individual operators' discretion to implement FRMS for his entire operation. EASA's proposal would lead to huge organizational cost and will lead to social discussions for questionable safety benefits. We therefore urge EASA to stick to Subpart Q of EU-OPS.

In addition, there should not be a separate management system for fatigue since fatigue is only one input to the airline Safety Management System (SMS) along other potential safety hazards. As part of the SMS, crew member can already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

AUSTRIAN would like to point out that there has, however, not been any safety accident or incidents involving EU airlines where fatigue has been the cause. It therefore seems rather strange to give fatigue a different level of priority and separate management system than the approach taken for more important safety hazards (bird strikes, ATC related hazards, runway incursions etc)

As explained above, there should not be a requirement for using the SMS when the airline operator has an individual Flight Time Limitation Scheme which remains within the boundaries of Subpart Q of EU-OPS (Regulation (EC) 1899/2006). FTL schemes which comply with EU-OPS have proven to be safe based on decades of safe operational experience. The SMS should only be used when an operator wants to go beyond the limits of the current Subpart Q of EU-OPS.

**Proposal:** Delete current text of OR.OPS.025 FTL Fatigue Risk Management Systems (FRMS) and replace it with

*OR.OPS.025.FTL Fatigue Risk Management*

*(a) An operator shall establish flight and duty time limitations and rest scheme (FTL) for crew members with the aim to manage fatigue risk*

*(b) An operator shall ensure that for all its flights, the flight and duty time limitations and rest scheme are in accordance with an approved individual Flight and Duty Time Limitation (FTL) scheme. All individual FTL schemes as initially accepted for compliance with Subpart Q of Regulation (EC) 1899/2006 are considered as an approved FTL scheme for this purpose.*

*(c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its safety management system - can demonstrate to the Authority that its request for a variation produces an equivalent level of safety.*

comment

2254

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR OPS.025 FTL - Fatigue risk management System (FRMS)**

**Proposal:**

**Add** following new paragraph

(f) The competent Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme, provided that the operator-using operational experience and output from its safety management system – can demonstrate to the competent authority that its request for a variation produces an equivalent level of safety.

comment

2275

comment by: *kapers Cabin Crew Union*

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

Comment: This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

Add: (f) Crew members shall the right to refuse flight duty when suffering from fatigue of such a nature that they feel they may not be able to safely continue duties. Their decision shall not be contested by operators or authorities.

Reason: ICAO Annexe 6- 2.3.2. reads: "an important safeguard may be established if states and operators recognise the right of a crew member to refuse further flight duty when suffering from fatigue of such a nature as to adversely affect the safety of flight". This ICAO recommendation is reflected in Annex IV 7.f. of Regulation 216/2008 and should therefore be reflected in the thereof emanating IR. Furthermore French and Spanish CAA have this principle enshrined in their FTL Rules:

French Decree of 11 July 1991 relative to fatigue of crew members:

"A crew member must abstain from duty if she/he feels any type of deficiency that leads Him/her to believe that she/he may not have the necessary aptitude to exercise his/her duties".

The Spanish CIRCULAR OPERATIVA 16 B SOBRE LIMITACIONES DE TIEMPO DE VUELO, MÁXIMOS DE ACTIVIDAD AÉREA Y PERIODOS MÍNIMOS DE DESCANSO PARA LAS TRIPULACIONES reads in its paragraph 2.: No obstante lo que se establece en estas normas, un Tripulante no volará, ni su Empresa le exigirá que lo haga, si aquel o ésta tienen razones bien fundadas para creer que el Tripulante está padeciendo fatiga excesiva o, teniendo en cuenta las circunstancias del vuelo particular que debe llevarse a cabo, es probable que llegue a acumular fatiga excesiva durante el mismo.

comment

2599

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(a) An operator shall establish, implementing and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met

(b) The FRMS shall be adapted to manage the operational risk of the operator arising from crew member fatigue

(c) The FRMS shall correspond to the roster system or flight time specification scheme used by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected

(e) The operator shall take mitigating safety measures when the FRMS process shows that required safety performance is not maintained

**Comment:**

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q) as proposed by EASA. It should remain at the individual operators' discretion to implement FRMS for his entire operation. EASA's proposal would lead to huge organizational cost and will lead to social discussions for questionable safety benefits. We therefore urge EASA to stick to Subpart Q of EU-OPS.

In addition, there should not be a separate management system for fatigue since fatigue is only one input to the airline Safety Management System (SMS) along other potential safety hazards. As part of the SMS, crew member can already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

Lufthansa would like to point out that there has, however, not been any safety accident or incidents involving EU airlines where fatigue has been the cause. It therefore seems rather strange to give fatigue a different level of priority and separate management system than the approach taken for more important safety hazards (bird strikes, ATC related hazards, runway incursions etc)

As explained above, there should not be a requirement for using the SMS when the airline operator has an individual Flight Time Limitation Scheme which remains within the boundaries of Subpart Q of EU-OPS (Regulation (EC) 1899/2006). FTL schemes which comply with EU-OPS have proven to be safe based on decades of safe operational experience. The SMS should only be used when an operator wants to go beyond the limits of the current Subpart Q of EU-OPS.

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*(c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its safety management system – can demonstrate to the Authority that its request for a variation produces an equivalent level of safety.*

comment

2754

comment by: *Civil Aviation Authority of Norway*

This Ops 025 should be removed, as most of its content will be covered by the SMS and the SSP. Some items of FRMS also covered in the Quality system.

comment

2764

comment by: *BALPA*

We support the implementation of FRMS within the industry. However, the content of the recent ICAO working paper (and its evolutions) must be used as the authoritative document. Additionally, a FRMS needs to develop

as valid scientific data becomes available.

comment

2843

comment by: Tyrolean Airways

*The mentioned FRMS was - in our opinion - recommended / proposed by ICAO for specific type of flights, such as ultralong range flights. Requiring an airline to have a FRMS implemented on top of the existing FTL scheme DOES NOT MAKE ANY SENSE TO US. There will be tremendous tension on the airline in dealing with unions when this is implemented.*

*Implementation of subpart Q streamlined very much amongst the airlines and already moved towards less productivity and - viewed by those crewmembers being out there in the daily ops - was not always to the advantage of the crews. Going a step further will actually decrease satisfaction of crewmembers, make them less productive, force them to commute to their place of living and - in the end - putting the on the edge of legality.*

*We would highly recommend to have Subpart Q as it is topped with clearer definitions and transitions this into hard law.*

comment

2928

comment by: Gregor Rozina

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

Comment: This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

comment

2959

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

(a) An operator shall establish, implementing and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met

(b) The FRMS shall be adapted to manage the operational risk of the operator arising from crew member fatigue

(c) The FRMS shall correspond to the roster system or flight time specification scheme used by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected

(e) The operator shall take mitigating safety measures when the FRMS process shows that required safety performance is not maintained

**Comment:**

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q) as proposed by EASA. It should remain at the individual operators' discretion to implement FRMS for his entire operation. EASA's proposal would lead to huge organizational cost and will lead to social discussions for questionable safety benefits. We therefore urge EASA to stick to Subpart Q of EU-OPS.

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already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

The AEA would like to point out that there has, however, not been any safety accident or incidents involving EU airlines where fatigue has been the cause. It therefore seems rather strange to give fatigue a different level of priority and separate management system than the approach taken for more important safety hazards (bird strikes, ATC related hazards, runway incursions etc)

As explained above, there should not be a requirement for using the SMS when the airline operator has an individual Flight Time Limitation Scheme which remains within the boundaries of Subpart Q of EU-OPS (Regulation (EC) 1899/2006). FTL schemes which comply with EU-OPS have proven to be safe based on decades of safe operational experience. The SMS should only be used when an operator wants to go beyond the limits of the current Subpart Q of EU-OPS.

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(b) *An operator shall ensure that for all its flights, the flight and duty time limitations and rest scheme are in accordance with an approved individual Flight and Duty Time Limitation (FTL) scheme. All individual FTL schemes as initially accepted for compliance with Subpart Q of Regulation (EC) 1899/2006 are considered as an approved FTL scheme for this purpose.*

(c) *The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its safety management system – can demonstrate to the Authority that its request for a variation produces an equivalent level of safety.*

comment

3043

comment by: UCC SLO

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

Comment: This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

comment

3093

comment by: ERA

**European Regions Airline Association Comment**

Stakeholders cannot properly comment to proposed ICAO FRMS document, as this will only be adopted later this year and is not available to stakeholders. Hence, it will be difficult to have an effective and workable FRMS in place prior to 8 April 2012. Many operators will have difficulty collecting relevant scientific and medical expertise.

FRMS should only be required for operations deviating from the established FTL requirements. This is exactly what FRMS are designed for, therefore, EASA should propose to ICAO that the EASA Implementing Rules satisfy the requirements of FRMS, but FRMS should only be mandated for operations deviating from the Implementing Rules.

comment

3143

comment by: *Lufthansa CityLine GmbH***Proposal:**

Delete Fatigue Risk Management System (FRMS) as part of FTL and transfer the philosophy as Fatigue Risk Management ~~System~~ (FRM) as part of SMS to the respective AMC of OR GEN 200  
(The respective FTL AMC / GM is affected in the same way)

**Note:**

The isolated description of an Fatigue Risk Management **System** (FRMS) is understood as an separate system, additional to the Safety Management System, it is not understood as a part of the SMS.

**Explanatory statement:**

Fatigue Risk Management is part of a general safety management system (SMS). Due to that it should not only be limited to FTL. The management of fatigue is necessary in different areas of an airline operation (e.g. MX, ATC, Dispatch, etc.)

**Relating to FTL:**

Fatigue Risk Management is necessary in particular by using a different (alternate) FTL-scheme than the one known from Subpart Q (or equivalent).

**Explanation:**

The ICAO-requirement for the implementation of an SMS is in our understanding, an organisation-wide approach to manage safety. The flight safety- or rather the accident prevention and flight safety program as known under EU-OPS 1.037 / JAR.OPS 3.037 is part and an initial basis of this SMS.

comment

3155

comment by: *DGAC*

DGAC contributed to the development of FRMS through its participation in the ICAO Fatigue Risk Management Sub-Group (FRMSG) of the OPS panel. It was the group consensus that FRMS should be implemented by educated operators only. Because of the complexity of the scientific knowledge and analysis methodologies required (as noted in the proposed OR.OPS), FRMS should be implemented for specific issues (e.g. ultra long range flights).

Therefore we strongly recommend limiting FRMS to operators that need a flexible roster for a limited number of cases, i.e. ultra long range, reduced rests, and/or slip duty. The existing FRMS that have been scientifically validated are focused on specific issues (ULR, specific schedule, reduced rests or split duty). There is no scientific feedback from States or operators (i.e. New Zealand) implementing an FRMS for all operations. Nevertheless it is known that some operators rely on recognised high level scientific resources to monitor their FRMS.

Fatigue as a risk may or may not be identified under the Management System (part OR.GEN.200). When an operator has identified fatigue as a risk then the obvious countermeasure is to implement an FRMS. Operators that implement CS.FTL should not be required to implement FRMS.

Requiring FRMS for all operators will unduly increase costs to operators that implement CS.FTL and might give rise to a non effective and non harmonised FRMS for operators that do not have the resources to establish and maintain a good quality FRMS. The burden to the authority will also unduly increase.

Therefore it is proposed to amend the paragraph requiring a FRMS accordingly

comment

3157

comment by: DGAC

**(d) : Proposal:** delete OR.OPS.025.FTL (d)

**Justification:** it is stated in (d) that "The operator shall require that crew members report any instance if they are fatigued and that safety may be affected". However this case does not fall under mandatory incident/event reporting. The operator must not be put in a position to require such report. The ICAO FRMS places reporting of fatigue cases under the Crew Member Responsibility. This is done on purpose pertaining to the variable nature of perceived fatigue as well as complexity to assess its potential impact on flight safety.

The operator responsibility is limited to the implementation of an FRMS as stated in GM OR.OPS.325.FTL that comprises (e) a crew fatigue reporting process.

"GM OR.OPS.025.FTL / GM OR.OPS.325.FTL - 3.2 The crew member's responsibilities" already addresses the responsibility of the crew regarding reporting.

comment

3271

comment by: cfdt france

**OR.OPS.025.FTL Fatigue Risk Management System (FRMS)**

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

**Comment:** Tis puts too much responsibility on individuals. The identity of reporting individuals must be protected.

**Replace & add:** crew members have the right to refuse flight duty when suffering from fatigue of such a nature that they feel they may not be able to safely continue duties. This should not be contested by operators or authorities.

**Reason :** ICAO Annexe 6- 2.3.2. "an important safeguard may be established if states and operators recognise the right of a crew member to refuse further flight duty when suffering from fatigue of such a nature as to adversely affect the safety of flight"

French legislation : Decree of 11 July 1991 relative to fatigue of crew members:

"A crew member must abstain from duty if she/he feels any type of deficiency that leads Him/her to believe that she/he may not have the necessary aptitude to exercise his/her duties".

comment

3301

comment by: cfdt france

**OR.OPS.025.FTL Fatigue Risk Management System (FRMS)**

**GENERAL CFDT COMMENT :** THE FRMS remains a vague conception for many of us (authorities, unions, associations, personnel..) How exactly does a FRMS "ensure" safety? Also "Mitigating safety measures" seem to lack precision.

CS material has to conform to the FRMS which remains a mystery system --- **this is a reason that leads the CFDT to ask**

**for all FTL provisions to be hard rule material - IR's.**

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

CFDT FRANCE Comment: This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

**THE CFDT France demands Replacement & addition :** "crew members have the right to refuse flight duty when suffering from fatigue of such a nature that they feel they may not be able to safely continue duties. This should not be contested by operators or authorities."

**Reason :** ICAO Annexe 6- 2.3.2. "an important safeguard may be established if states and operators recognise the right of a crew member to refuse further flight duty when suffering from fatigue of such a nature as to adversely affect the safety of flight"

French legislation : Decree of 11 July 1991 relative to fatigue of crew members:

"A crew member must abstain from duty if she/he feels any type of deficiency that leads Him/her to believe that she/he may not have the necessary aptitude to exercise his/her duties".

comment 3380 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

EASA went further than real meaning of ICAO FRMS proposal as it extended the original range of the FRMS wished by ICAO. Partially because of this, ICAO chose to discard its FRMS proposal and postpone this project by re-opening the working group. As a result EASA FRMS do not rely anymore on any legal basis.

**Proposal**

In the case that FRMS had to be implemented by operators, it should only done according to special/specific operations and not generalized to all operations. It should only be mandatory for operations deviating from the individual flight time limitation scheme.

**Justification**

obvious

comment 3388 comment by: *CityJet*

**Fatigue Risk Management System (FRMS)**

Additional sub-section proposed:

**'The FRMS shall be incorporated into the operator's Safety Management System (SMS) to provide a comprehensive integration of the human factors and technical aspects of the operator's accident prevention and flight safety programme.'**

comment 3500 comment by: *IATA*

Attachment [#14](#)

file attached

comment 3513 comment by: *BMW AG*

Suggestion to change because FRMS shall not be a stand alone system but under the umbrella of the overall SMS. It is only a section of the SMS and the tools and methods are generic SMS ones (safety objectives, safety performance, incident reports, proactive tracking, mitigation measures, risk

management).

(a) An operator shall establish, implement and maintain an FRMS as an integral part of its **Safety** management system.

comment

3550

comment by: KLM Cityhopper

**Comment:**

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q) as proposed by EASA. It should remain at the individual operators' discretion to implement FRMS for his entire operation. EASA's proposal would lead to huge organizational cost and will lead to social discussions for questionable safety benefits. We therefore urge EASA to stick to Subpart Q of EU-OPS.

In addition, there should not be a separate management system for fatigue since fatigue is only one input to the airline Safety Management System (SMS) along other potential safety hazards. As part of the SMS, crew member can already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

The AEA would like to point out that there has, however, not been any safety accident or incidents involving EU airlines where fatigue has been the cause. It therefore seems rather strange to give fatigue a different level of priority and separate management system than the approach taken for more important safety hazards (bird strikes, ATC related hazards, runway incursions etc)

As explained above, there should not be a requirement for using the SMS when the airline operator has an individual Flight Time Limitation Scheme which remains within the boundaries of Subpart Q of EU-OPS (Regulation (EC) 1899/2006). FTL schemes which comply with EU-OPS have proven to be safe based on decades of safe operational experience. The SMS should only be used when an operator wants to go beyond the limits of the current Subpart Q of EU-OPS.

**Proposal:** Delete current text of OR.OPS.025 FTL Fatigue Risk Management Systems (FRMS) and replace it with

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*(c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its safety management system – can demonstrate to the Authority that its request for a variation produces an equivalent level of safety.*

comment

3643

comment by: AIR FRANCE

Relevant Text:

- (a) An operator shall establish, implementing and maintain an FRMS as an integral part of its management system. The FRMS shall ensure that the safety objectives of the Essential Requirements are met
- (b) The FRMS shall be adapted to manage the operational risk of the operator arising from crew member fatigue
- (c) The FRMS shall correspond to the roster system or flight time specification scheme used by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL
- (d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected
- (e) The operator shall take mitigating safety measures when the FRMS process shows that required safety performance is not maintained

Comment:

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations, reduced rest, split duty,...) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should not become a mandatory requirement for all airlines/flights in addition to prescriptive schemes (such as Subpart Q)

Proposal: Delete current text of OR.OPS.025 FTL Fatigue Risk Management Systems (FRMS) and replace it with

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- (c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator
  - using operational experience and output from its safety management system
  - can demonstrate to the Authority that its request for a variation produces an equivalent level of safety

comment

3757

comment by: *Icelandair*

**Relevant Text:**

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**Comment:**

A Fatigue Risk Management System, as under discussion at ICAO, is deemed as a tool to provide additional flexibility for specific operations (e.g. Ultra Long Range Operations) and shall therefore only be mandatory, when a flight scheme is proposed to operate beyond the approved FTL limitations but should

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In addition, there should not be a separate management system for fatigue since fatigue is only one input to the airline Safety Management System (SMS) along other potential safety hazards. As part of the SMS, crew member can already today report any instance that may endanger safety and the operator is already required to take mitigating safety measures.

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*(c) The Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme as referred to in (b), provided that the operator - using operational experience and output from its safety management system - can demonstrate to the Authority that its request for a variation produces an equivalent level of safety.*

comment

3782

comment by: *Southern Cross International*

It is not clear who is responsible for assessing the applicability or suitability of a FRMS for a specific operator, or how this is done.

Due to the small size of our company, the type of operations performed (test and ferry flights) and taking into consideration the wide variety of aircraft operated by our company, the different equipment fits for each of those aircraft, the extreme short period of time those aircraft are operated, and the fact that the majority of our crews are employed on a contract per flight basis, establishing a FRMS is potentially a time-consuming and costly process.

comment

3843

comment by: *IACA International Air Carrier Association*

Stakeholders cannot properly comment to proposed ICAO FRMS document, as this will only be adopted later this year and is not available to stakeholders.

The current EU-OPS FTL schemes are proven safe based on decades of operational experience. Operators consider fatigue as an input to the airline's Safety Management System (SMS), along with other potential safety hazards such as bird strikes, ATC related hazards, runway incursions...There should not be a separate management system for fatigue. Crew members can already report any event that may endanger flight safety and the operators are required to take mitigating actions under that SMS.

comment 3844 comment by: *IACA International Air Carrier Association*

Add new paragraph (f): **OR.OPS.025.FTL Fatigue Risk Management**

(a) (f) The Competent Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme, provided that the operator - using operational experience and output from its safety management system - can demonstrate to the Competent Authority that its request for a variation produces an equivalent level of safety.

comment 3894 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Stakeholders cannot properly comment to proposed ICAO FRMS document, as this will only be adopted later this year and is not available to stakeholders. The current EU-OPS FTL schemes are proven safe based on decades of operational experience. Operators consider fatigue as an input to the airline's Safety Management System (SMS), along with other potential safety hazards such as bird strikes, ATC related hazards, runway incursions...There should not be a separate management system for fatigue. Crew members can already report any event that may endanger flight safety and the operators are required to take mitigating actions under that SMS.

Add new paragraph: **OR.OPS.025.FTL Fatigue Risk Management**

(a) (f) The Competent Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme, provided that the operator - using operational experience and output from its safety management system - can demonstrate to the Competent Authority that its request for a variation produces an equivalent level of safety.

comment 3910 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Stakeholders cannot properly comment to proposed ICAO FRMS document, as this will only be adopted later this year and is not available to stakeholders.

The current EU-OPS FTL schemes are proven safe based on decades of operational experience. Operators consider fatigue as an input to the airline's Safety Management System (SMS), along with other potential safety hazards such as bird strikes, ATC related hazards, runway incursions...There should not be a separate management system for fatigue. Crew members can already report any event that may endanger flight safety and the operators are required to take mitigating actions under that SMS.

Add new paragraph: **OR.OPS.025.FTL Fatigue Risk Management**

(a) The Competent Authority may grant an individual operator the authorisation to deviate from an approved FTL scheme, provided that the operator - using operational experience and output from its safety

management system – can demonstrate to the Competent Authority that its request for a variation produces an equivalent level of safety.

comment 3986

comment by: CUD

(d) The operator shall require that crew members report any instance if they are fatigued and that safety may be affected.

Comment: This puts too much responsibility on individuals. The identity of reporting individuals must be protected.

comment 3987

comment by: CUD

Add: (f) Crew members shall the right to refuse flight duty when suffering from fatigue of such a nature that they feel they may not be able to safely continue duties. Their decision shall not be contested by operators or authorities.

Reason: ICAO Annexe 6- 2.3.2. reads: "an important safeguard may be established if states and operators recognise the right of a crew member to refuse further flight duty when suffering from fatigue of such a nature as to adversely affect the safety of flight". This ICAO recommendation is reflected in Annex IV 7.f. of Regulation 216/2008 and should therefore be reflected in the thereof emanating IR. Furthermore French and Spanish CAA have this principle enshrined in their FTL Rules:

French Decree of 11 July 1991 relative to fatigue of crew members:

"A crew member must abstain from duty if she/he feels any type of deficiency that leads Him/her to believe that she/he may not have the necessary aptitude to exercise his/her duties".

The Spanish CIRCULAR OPERATIVA 16 B SOBRE LIMITACIONES DE TIEMPO DE VUELO, MÁXIMOS DE ACTIVIDAD AÉREA Y PERIODOS MÍNIMOS DE DESCANSO PARA LAS TRIPULACIONES reads in its paragraph 2.: No obstante lo que se establece en estas normas, un Tripulante no volará, ni su Empresa le exigirá que lo haga, si aquel o ésta tienen razones bien fundadas para creer que el Tripulante está padeciendo fatiga excesiva o, teniendo en cuenta las circunstancias del vuelo particular que debe llevarse a cabo, es probable que llegue a acumular fatiga excesiva durante el mismo.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 -  
OR.OPS.035.FTL Flight Duty Period (FDP)**

p. 27

comment 338

comment by: REGA

what about helicopter and hems?

comment 394

comment by: Ryanair

**OR.OPS.035.FTL (a) – Flight Duty Period (FDP)**

**Comment**

This requirement is already satisfied by OPS.GEN.015(4). This is not an FTL issue.

**Proposal**

DELETE

**OR.OPS.035.FTL (b) – Flight Duty Period (FDP)****Comment**

The requirement relates to 'Commander Discretion' an internationally recognised and understood term

**Proposal**

Change Requirement Heading to **OR.OPS.035.FTL – Co mmanders Discretion**

comment

458

comment by: *Condor Flugdienst GmbH - FRA HO/R*

Regarding "The operator shall establish procedures..."

According to Condor Flugdienst GmbH, the variety of unforeseen, "special circumstances" is too huge to cope every special case. If wanted so, please issue such exact and comprehensible guidelines!

comment

493

comment by: *CityJet*

**'(b) The operator shall establish procedures to provide for an Extended FDP (Split Duty) where an FDP consists of two or more sectors separated by less than the defined minimum rest period'.**

The provision of an Extended FDP, with appropriate conditions and safeguards, is an intrinsic part of Flight Time Schemes currently in use under EU-OPS. It is an essential element of the range of rule-sets used particularly by operators serving routes requiring early morning and late evening services on many more routes than there are crew bases.

To fit the proposed numbering sequence of the content of Chapter 1, Section VIII, the "Extended FDP (Split Duty)" consideration would best be numbered and titled as follows:

**"OR.OPS.030.FTL Extended Flight Duty Period (FDP) - Split Duty"**

In this case, the proposed wording above would be (a), and the existing section "OR.OPS.035.FTL Flight Duty Period (FDP)" would be unaltered.

comment

638

comment by: *easyjet safety*

(a) The principle that crew members should not operate if they are fatigued, or feel they may become fatigued, is well established e.g GM OR. OPS.025/325 FTL para 3.2 and AMC1 OPS.GEN.020(a). Both support OPS.GEN.015(4). This is primarily related to the responsibilities of the pilot in command rather than FTL.

Proposal: Delete.

comment

721

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate

operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment

1096

comment by: AEA

**Relevant Text:** (a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

**Comment:** This paragraph is not consistent with Subpart Q of Regulation 1899/2006 (EU-OPS).

**Proposal:**

*(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.*

comment

1103

comment by: ECA - European Cockpit Association

Comment on OR.OPS.035.FTL: change as follows:

Flight Duty ~~Period~~ **and Rest Period under special circumstances (FDP)**

(a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their discretion, or when a rest period is reduced in actual operation. Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

Justification:

This section should be called "*Flight duty and rest period under special circumstances*" as the text refers to this.

comment

1202

comment by: Sven Freisenich

FDP (a)

An operator should always delegate such decision to the pilot-in-command, i.e. the best placed to judge to local circumstances before making such decision. Therefore, this requirement shall not deal with the contents of the decision but with the process of such decision, i.e. communications.

comment	<p>1297</p> <p><b>Page No:</b> 27</p> <p><b>Paragraph No:</b> OR.OPS.035.FTL (b)</p> <p><b>Comment:</b> It is suggested that the timescale be changed to 14 rather than 28 days as 28 days in relation to what is being asked to be reported seems slightly excessive and may result in a report not being filed.</p> <p><b>Justification:</b> Tightening of a generous timescale.</p> <p><b>Proposed Text (if applicable):</b> Change the last part of the sentence to read:</p> <p>" , no later than 14 days after the event."</p>	comment by: UK CAA
comment	<p>1324</p> <p>Paragraph (a) omits the words, 'as to' in the first line after 'procedures'. <b>It is suggested that the first line should begin, 'The operator shall establish procedures as to how the pilot-in-command ...'.</b></p>	comment by: Royal Aeronautical Society
comment	<p>1565</p> <p>(a) Remove the words 'operator shall establish procedures how'. This should read 'The pilot-in-command shall....'</p> <p><i>(a) The pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.</i></p>	comment by: British Airways
comment	<p>1607</p> <p><b>Relevant Text:</b> (a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.</p> <p><b>Comment:</b> This paragraph is not consistent with Subpart Q of Regulation 1899/2006 (EU-OPS).</p> <p><b>Proposal:</b> <i>(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety</i></p>	comment by: TAP Portugal
comment	<p>1741</p> <p><b>OR.OPS.035.FTL Flight Duty Period (FDP)</b></p>	comment by: Jill Pelan

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their discretion, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**The CFDT France UNION & ETF** asks for the Replacement with : "discretion, and after consultation with the crew members affected"

& an Addition at the end: "A copy of this report shall be made available to all affected crew members"

Reason: The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.

As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

comment 1771

comment by: Sean Butler, bmi

**Page: 27 Section: OR.OPS.035 Flight Duty Period (FDP)**

Relevant Text: (a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety

Comment: This paragraph is not consistent with Subpart Q of Regulation 1899/2006 (EU-OPS).

Proposal

(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety

comment 1804

comment by: KLM

Relevant Text: (a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety

**Comment:** This paragraph is not consistent with Subpart Q of Regulation 1899/2006 (EU-OPS).

**Proposal (a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety**

comment 1850 comment by: *fédération des transports CGT, membre de ETF*  
CGT member of ETF

**OR.OPS.035.FTL Flight Duty Period (FDP)**

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**Replace:** discretion, and after consultation with the crew members affected

**Add at the end:** A copy of this report shall be made available to all affected crew members

Reason: The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.

As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

comment 1868 comment by: *Gordana BOBERIC*

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

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As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

comment 1936 comment by: *FSC - CCOO*

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

Replace: discretion, and after consultation with the crew members affected

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As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

comment

2120

comment by: *AUSTRIAN Airlines*

**Relevant Text:** (a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

**Comment:** This paragraph is not consistent with Subpart Q of Regulation 1899/2006 (EU-OPS).

**Proposal:**

*(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.*

comment

2276

comment by: *kapers Cabin Crew Union*

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

Replace: discretion, and after consultation with the crew members affected

Add at the end: A copy of this report shall be made available to all affected crew members

Reason: The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.

As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

comment

2296

comment by: *Helikopter Air Transport GmbH / Christophorus*

*Flugrettungsverein*

(a) Each technical crew member shall undergo annual recurrent training relevant to the type of aircraft and equipment which the technical crew member operates. Elements of CRM shall be integrated into all appropriate phases of the recurrent training. **All major topics of CRM training shall be covered over a period not exceeding 3 years.**

comment

2600

comment by: *Deutsche Lufthansa AG*

**Relevant Text:** (a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

**Comment:** This paragraph is not consistent with Subpart Q of Regulation 1899/2006 (EU-OPS).

**Proposal:**

*(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.*

comment

2681

comment by: *M Wilson-NetJets*

**Original text:**

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their discretion, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**Suggested new text:**

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by **his/her** discretion, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**Comment/suggestion:**

Pilot-in-command used in the singular mode and the use of the word "their" might create ambiguity with "the operator".

comment

2773

comment by: *BALPA*

Section (a) In this instance, the use of FRMS will support both operator and crewmember in identifying the onset of fatigue and will be of a non-punitive nature that FRMS instills.

Section (b) We feel that 28 days is over generous regarding the amount of

time an operator can take to submit a discretion report. We feel that 14 days is ample time.

comment

2932

comment by: *Gregor Rozina*

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

Replace: discretion, and after consultation with the crew members affected

Add at the end: A copy of this report shall be made available to all affected crew members

Reason: The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.

As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

comment

2961

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:** (a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

**Comment:** This paragraph is not consistent with Subpart Q of Regulation 1899/2006 (EU-OPS).

**Proposal:**

*(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.*

comment

3044

comment by: *UCC SLO*

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

Replace: discretion, and after consultation with the crew members affected

Add at the end: A copy of this report shall be made available to all affected crew members

Reason: The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.

As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

comment 3158

comment by: DGAC

**(b) : Proposal:** Amend the text as follows :

“(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased **beyond the maximum flight duty period** by their discretion, or when a rest period is reduced in actual operation.

**Justification:** the report should be required only where the actual operation exceeds the maximum flight duty period, otherwise the pilot-in-command will keep filling reports whenever the actual FDP is higher than the scheduled FDP, even if there is no safety concern.

comment 3194

comment by: Virgin Atlantic Airways

**Relevant Text:**

(a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

**Comment:**

This paragraph is not consistent with Subpart Q of EU-OPS

**Proposed Text:**

Replace with the following:

(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

comment 3195

comment by: Virgin Atlantic Airways

**Relevant Text:**

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their discretion, or when a rest period is reduced in actual operation. Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**Comment:**

Under current UK CAA requirements, where the increase of a FDP or a reduction of a rest period exceeds two hours, the operator shall send a copy of the report, together with its comments, to the competent authority, no

later than 28 days after the event. By decreasing this exception from two hours to one hour there would be an increase in the administrative burden placed on the operator which in turn will have a detrimental financial impact (increase in costs to cover the administrative requirements). In addition, Virgin Atlantic believes this proposed reduction from two hours to one hour is unnecessary on safety grounds as it will not provide any further safety oversight that is not already covered by an effective SMS (inclusive of a FRMS).

**Proposed Text:**

Increase tolerance from 1 to 2 hours and replace existing text as follows:

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their discretion, or when a rest period is reduced in actual operation. Where the increase of a FDP or a reduction of a rest period exceeds two hours, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

comment 3274

comment by: *cfdt france*

**OR.OPS.035.FTL Flight Duty Period (FDP)**

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**Replace: "discretion, and after consultation with the crew members affected"**

**Add at the end: A copy of this report shall be made available to all affected crew members**

**Reason: The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.**

**As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion**

comment 3280

comment by: *cfdt france*

**OR.OPS.035.FTL Flight Duty Period (FDP)**

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**Replace: "discretion, and after consultation with the crew members affected"**

**Add at the end: A copy of this report shall be made available to all affected crew members**

**Reason: The consultation process enshrined in hard law in point (a) of**

**the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.**

**As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.**

comment 3302

comment by: cfdt france

**OR.OPS.035.FTL Flight Duty Period (FDP)**

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to the competent authority, no later than 28 days after the event.

**The CFDT France UNION & ETF** asks for the Replacement with : "discretion, and after consultation with the crew members affected"

& an Addition at the end: "A copy of this report shall be made available to all affected crew members"

Reason: The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.

As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

1742

C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 - OR.OPS.040.FTL Flight times and duty periods

27

**OR.OPS.040.FTL Flight times and duty periods**

comment

3551

comment by: KLM Cityhopper

**Comment:** This paragraph is not consistent with Subpart Q of Regulation 1899/2006 (EU-OPS).

**Proposal:**

*(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.*

comment

3644

comment by: AIR FRANCE

Relevant Text: (a) The operator shall establish procedures how the pilot-in-command shall, in case of special circumstances which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

Comment: This paragraph is not consistent with Subpart Q of Regulation

1899/2006 (EU-OPS).

Proposal:

(a) The Commander shall, in case of special circumstances, which could lead to severe fatigue, and after consultation with the crew members affected, reduce the actual FDP and/or increase the rest time in order to eliminate any detrimental effect on flight safety.

comment

3745

comment by: *Christian Hölzle*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment

3850

comment by: *IACA International Air Carrier Association*

(a)

An operator should always delegate such decision to the pilot-in-command, i.e. the best placed to judge to local circumstances before making such decision. Therefore, this requirement shall not deal with the contents of the decision but with the process of such decision, i.e. communications.

comment

3861

comment by: *Southern Cross International*

(b) The requirement to send a copy of the report from the pilot-in-command to the competent authority should the increase of a FDP or reduction of a rest period exceed one hour is extremely restrictive and does not take into account the numerous operational situations which could result in this time limit being exceeded, resulting in large numbers of report being sent in.

comment

3896

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

FDP (a)

An operator should always delegate such decision to the pilot-in-command, i.e. the best placed to judge to local circumstances before making such decision. Therefore, this requirement shall not deal with the contents of the decision but with the process of such decision, i.e. communications.

comment

3911

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

An operator should always delegate such decision to the pilot-in-command, i.e. the best placed to judge to local circumstances before making such decision. Therefore, this requirement shall not deal with the contents of the decision but with the process of such decision, i.e. communications.

comment

3988

comment by: *CUD*

(b) The operator shall require that the pilot-in-command submit a report whenever a FDP is increased by their ~~discretion~~, or when a rest period is reduced in actual operation.

Where the increase of a FDP or a reduction of a rest period exceeds one hour, the operator shall send a copy of the report, together with its comments, to

the competent authority, no later than 28 days after the event.

Replace: discretion, and after consultation with the crew members affected

Add at the end: A copy of this report shall be made available to all affected crew members

Reason: The consultation process enshrined in hard law in point (a) of the same OPS and recommended in the related CS should be mandatory and not only a CS to provide legal certainty and therefore a level playing field for all operators and NAAs.

As a principle and to guarantee transparency all affected crew members should be aware of the reasons given by the pilot-in-command when increasing the FDP or reducing rest on their discretion.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 -  
OR.OPS.040.FTL Flight times and duty periods**

p. 27

comment 459

comment by: *Condor Flugdienst GmbH - FRA HO/R*

**"Total flight time in any 12 consecutive calendar months":**

Condor, a german charter airline and "holiday carrier" highly depending on seasonal effects, e.g. peak during summer season. "The one calendar year" as in EU OPS reduces the problem at the end of a calendar year, e.g. in winter low season. The equal distribution of total flight time to "12 consecutive calendar month" as proposed by this NPA seems to limit the ability of any carrier to neglect seasonal effects through out a year. The entrepreneurial freedom is limited to an extent where flight safety is not impaired if i.e. July 2008 flight time have to be considered when assigning June 2009 duties. Although the working time directive considers 96 free days in one calendar year.

comment 548

comment by: *SCCA Scandinavian Cabin Crew Association*

Additional limits at 14 days at 100 hours. This to ensure that operators will spread dutyperiods as evenly as possible.

comment 722

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1097

comment by: *AEA*

**Relevant Text:**

(b) the total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable

throughout their respective period:

- (1) in any 28 consecutive days and
- (2) In any 12 consecutive calendar months

**Comment:**

The EASA proposal is in contradiction and more restrictive than the EU Working Time Directive (WTD) (Council Directive 2000/79/EC of 27 November) which has set a limit of 900 hours in 1 calendar year and provides for more flexibility in particular when planning crew member yearly leave.

EASA's referring to ICAO cannot be accepted as a valid justification taking into account the fact that ICAO is not setting any limit which means that most non-EU airlines can already today do much more block flying hours than EU airlines which are faced with the 900h limit.

In addition, there is no safety justification to further restrict the current WTD limit. There is already requirement to evenly distribute the duty hours,

**Proposal:**

Replace OR.OPS.040. FTL (b) (2) with '**in 1 calendar year**'

comment

1104

comment by: ECA - European Cockpit Association

Comment on OR.OPS.040.FTL:change as follows:

Flight and duty time limitations and rest requirements shall specify the following elements of flight times and duty periods, ~~where applicable to the type of operation:~~

Justification:

How could this requirement not be applicable?

An operator may understand the wording as an indication for a non-compulsory requirement.

comment

1111

comment by: ECA - European Cockpit Association

Comment on OR.OPS.040.FTL(a):change as follows:

(a) The total duty periods to which a crew member is assigned **shall be limited, spread as evenly as practicable throughout their respective period:**

- (1) in any seven consecutive days;
- (2) in any 14 consecutive days; and**
- ~~(2)~~ **(3) in any 28 consecutive days;**

**Beyond these periods the duty periods shall be spread as evenly as practicable.**

Justification:

The application of the requirement "... spread as evenly as practical" to a period of 7 days undermines the requirements intended long term balancing effect. Due to its serious short term impact the restriction is likely to be softened just as we find it in AMC OR.OPS.040.FTL, which states that the total

duty periods and the total flight times ... "...should be spread as evenly as practicable throughout their respective period".

Therefore, AMC OR.OPS.040.FTL (a) shall be reworded accordingly and AMC OR.OPS.040.FTL (b) shall be deleted.

Further it shall be noted that the scientific evaluation recommends setting an additional restriction at 14 consecutive days.

Finally, according to Directive 2003/88/EC Article 6 the maximum number of working hours per week is 48 for a normal worker. The Working time Directive (Directive 2000/79/EC) sets a maximum annual working time of 2000 hours "... spread as evenly as practicable." This means that the "standard" working week should not exceed 42h. Therefore, exceeding the 42 hours should be exceptional and duly justified and shall never pass the 48 hour limit. Additionally a 14 day limit should be introduced.

comment

1114

comment by: ECA - European Cockpit Association

Comment on OR.OPS.040.FTL (b): add text as follows:

**When a crew member is required to report for in advance of the stipulated report time for a scheduled flight, to carry out a task at the behest of the company, then the time spent on that task shall be part of the subsequent FDP.**

Justification:

Mixed duties are not sufficiently addressed.

Where an operator must provide limits for a single flight duty period no limits are given for a combination of non- flying duties allocated immediately prior to a flight duty. The rules for the allocation of a rest would not prevent an operator from scheduling general duties in between a rest period and the subsequent flight duty.

Thus the total length of the combined duties is practically unlimited.

To limit combined duties the fatiguing effect of general duties and flight duties must be considered equal. Thus general duties allocated immediately prior to a flight duty must be limited under the flight duty limit.

comment

1205

comment by: Sven Freisenich

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.

The "900 hours in any 12 consecutive months" are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:

"Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

- a) at least seven local days in each calendar month, which may include any rest periods required by law; and
- b) at least 96 local days in each calendar year, which may include any rest periods required by law.

The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900

hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

LTU is highly subject to seasonal effects, e.g. peak during summer season. The "one calendar year" as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed "12 consecutive months" presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members' leave.

Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the "one calendar year". The intent is already covered by 1.140 (c).

comment

1299

comment by: UK CAA

**Page No:** 27

**Paragraph No:** OR.OPS.040.FTL (a)(2)

**Comment:** It is suggested that a 14 day period be also added to the timescales.

**Justification:** Unless there is an additional 14 day period there is the possibility that an operator could compress the maximum allowed duty in to as little as 21 days declaring that "it was not practicable in the circumstances to spread the duty evenly."

**Proposed Text (if applicable):**

Change (a)(2) to read:

(2) in any 14 consecutive days;

(3) in any 28 consecutive days;

comment

1471

comment by: M Wilson-NetJets

**Original text:**

OR.OPS.040.FTL Flight times and duty periods

Flight and duty time limitations and rest requirements shall specify the following elements of flight times and duty periods, where applicable to the type of operation:

(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:

(1) in any seven consecutive days; and

(2) in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:

(1) in any 28 consecutive days; and

(2) in any 12 consecutive calendar months.

**Suggested new text:**

OR.OPS.040.FTL Flight times and duty periods

The operator shall ensure that flight and duty time limitations have maximum limits over predefined periods, expressed in periods of consecutive days, to ensure that there is accumulation of fatigue that could result in a operating crewmember endangering the safety of the flight.

**Comment/suggestion:**

Limitations that specifically address nominal limitations should be in an cs or AMC and not the IR (as per EASA and the European Commission). Different types of operations require different limits to ensure the safety of the flight. Many operations built up duty and flight time in different patterns and provide different mitigating measures to alleviate cumulative fatigue. Therefore, future FTL schemes should be allowed to limit the accumulation of fatigue, which endangers flight safety, in different quantities and time periods. It is suggested to move the actual limitations to the CS or AMC.

comment 1566

comment by: *British Airways*

Insections (a) And (b) Remove the words 'spread as evenly as practicable throughout their respective period'.

The use of this sentence is too broad as the use of the word practicable can be interpreted in too many ways. Other rules, such as days off rules should ensure that the work is evenly spread.

comment 1608

comment by: *TAP Portugal*

**Relevant Text:**

(b) the total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:

- (1) in any 28 consecutive days and
- (2) In any 12 consecutive calendar months

**Comment:**

The EASA proposal is in contradiction and more restrictive than the EU Working Time Directive (WTD) (Council Directive 2000/79/EC of 27 November) which has set a limit of 900 hours in 1 calendar year and provides for more flexibility in particular when planning crew member yearly leave.

EASA's referring to ICAO cannot be accepted as a valid justification taking into account the fact that ICAO is not setting any limit which means that most non-EU airlines can already today do much more block flying hours than EU airlines which are faced with the 900h limit.

In addition, there is no safety justification to further restrict the current WTD limit. There is already requirement to evenly distribute the duty hours,

**Proposal:**

Replace OR.OPS.040. FTL (b) (2) with '**in 1 calendar year**'

comment 1742

comment by: *Jill Pelan*

**OR.OPS.040.FTL Flight times and duty periods**

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

~~(1) in any seven consecutive days; and~~

~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

~~(1) in any 28 consecutive days; and~~

~~(2) in any 12 consecutive calendar months.~~

**The CFDT France , Member of ETF** asks for the following :

Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

(1) *60 hours* in any seven consecutive days; and

(2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

(1) *100 hours* in any 28 consecutive days; and

(2) *900 hours* in any 12 consecutive calendar months.

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) **BR establishes that substantive provisions of Subpart Q should be included in IR. The total amount of duty and flight hours must be considered a substantive provision.**

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

comment

1805

comment by: KLM

Relevant Text: (b) the total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:

(1) in any 28 consecutive days and

(2) In any 12 consecutive calendar months

**Comment:** The EASA proposal is in contradiction and more restrictive than the EU Working Time Directive (WTD) (Council Directive 2000/79/EC of 27 November) which has set a limit of 900 hours in 1 calendar year and provides for more flexibility in particular when planning crew member yearly leave.

EASA's referring to ICAO cannot be accepted as a valid justification taking into account the fact that ICAO is not setting any limit which means that most non-EU airlines can already today do much more block flying hours than EU airlines which are faced with the 900h limit.

In addition, there is no safety justification to further restrict the current WTD

limit. There is already requirement to evenly distribute the duty hours,

**Proposal:**

Replace OR.OPS.040. FTL (b) (2) with '**in 1 calendar year**'

comment

1826

comment by: Gordana BOBERIC

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

~~(1) in any seven consecutive days; and~~

~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

~~(1) in any 28 consecutive days; and~~

~~(2) in any 12 consecutive calendar months.~~

Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

(1) *60 hours* in any seven consecutive days; and

(2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

(1) *100 hours* in any 28 consecutive days; and

(2) *900 hours* in any 12 consecutive calendar months.

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) BR establishes that substantive provisions of Subpart Q should be included in IR. The total **amount** of duty and flight hours must be considered a substantive provision.

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

comment

1851

comment by: *fédération des transports CGT, membre de ETF*

cgt member of ETF

**OR.OPS.040.FTL Flight times and duty periods**

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

~~(1) in any seven consecutive days; and~~

~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any 28 consecutive days; and  
(2) in any 12 consecutive calendar months.~~

**Replace with** : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

- (1) *60 hours* in any seven consecutive days; and  
(2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

- (1) *100 hours* in any 28 consecutive days; and  
(2) *900 hours* in any 12 consecutive calendar months.

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) BR establishes that substantive provisions of Subpart Q should be included in IR. The total **amount** of duty and flight hours must be considered a substantive provision.

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed

comment

1937

comment by: FSC - CCOO

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any seven consecutive days; and  
(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any 28 consecutive days; and  
(2) in any 12 consecutive calendar months.~~

Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

- (1) *60 hours* in any seven consecutive days; and  
(2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

- (1) *100 hours* in any 28 consecutive days; and  
(2) *900 hours* in any 12 consecutive calendar months.

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) BR establishes that substantive provisions of Subpart Q should

be included in IR. The total **amount** of duty and flight hours must be considered a substantive provision.

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

comment 2121

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

(b) the total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:

- (1) in any 28 consecutive days and
- (2) In any 12 consecutive calendar months

**Comment:**

The EASA proposal is in contradiction and more restrictive than the EU Working Time Directive (WTD) (Council Directive 2000/79/EC of 27 November) which has set a limit of 900 hours in 1 calendar year and provides for more flexibility in particular when planning crew member yearly leave.

EASA's referring to ICAO cannot be accepted as a valid justification taking into account the fact that ICAO is not setting any limit which means that most non-EU airlines can already today do much more block flying hours than EU airlines which are faced with the 900h limit.

In addition, there is no safety justification to further restrict the current WTD limit. There is already requirement to evenly distribute the duty hours,

**Proposal:**

Replace OR.OPS.040. FTL (b) (2) with '**in 1 calendar year**'

comment 2277

comment by: *kapers Cabin Crew Union*

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any seven consecutive days; and~~
- ~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any 28 consecutive days; and~~
- ~~(2) in any 12 consecutive calendar months.~~

Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

- (1) *60 hours* in any seven consecutive days; and
- (2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

- (1) *100 hours* in any 28 consecutive days; and
- (2) *900 hours* in any 12 consecutive calendar months.

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to

avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) BR establishes that substantive provisions of Subpart Q should be included in IR. The total **amount** of duty and flight hours must be considered a substantive provision.

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

comment 2601

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(b) the total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:

- (1) in any 28 consecutive days and
- (2) In any 12 consecutive calendar months

**Comment:**

The EASA proposal is in contradiction and more restrictive than the EU Working Time Directive (WTD) (Council Directive 2000/79/EC of 27 November) which has set a limit of 900 hours in 1 calendar year and provides for more flexibility in particular when planning crew member yearly leave.

EASA's referring to ICAO cannot be accepted as a valid justification taking into account the fact that ICAO is not setting any limit which means that most non-EU airlines can already today do much more block flying hours than EU airlines which are faced with the 900h limit.

In addition, there is no safety justification to further restrict the current WTD limit. There is already requirement to evenly distribute the duty hours,

**Proposal:**

Replace OR.OPS.040. FTL (b) (2) with '**in 1 calendar year**'

comment 2783

comment by: *BALPA*

The Moebus report indicates that a 14-day duty hour limit should be set - we concur with this view. This would, in effect, also help operators "spread (work) as evenly as practicable" as stated in this section.

Please define "..spread as evenly as practicable.."

We feel that a maximum number of duty hours per 12 consecutive calendar months should also be incorporated in this section or is this area covered in the Council Directive 2000/79/EC concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation?

comment 2936

comment by: *Gregor Rozina*

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any seven consecutive days; and~~
- ~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is~~

~~assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

~~(1) in any 28 consecutive days; and~~

~~(2) in any 12 consecutive calendar months.~~

Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

(1) *60 hours* in any seven consecutive days; and

(2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

(1) *100 hours* in any 28 consecutive days; and

(2) *900 hours* in any 12 consecutive calendar months.

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) BR establishes that substantive provisions of Subpart Q should be included in IR. The total **amount** of duty and flight hours must be considered a substantive provision.

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

comment

2962

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(b) the total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:

(1) in any 28 consecutive days and

(2) In any 12 consecutive calendar months

**Comment:**

The EASA proposal is in contradiction and more restrictive than the EU Working Time Directive (WTD) (Council Directive 2000/79/EC of 27 November) which has set a limit of 900 hours in 1 calendar year and provides for more flexibility in particular when planning crew member yearly leave.

EASA's referring to ICAO cannot be accepted as a valid justification taking into account the fact that ICAO is not setting any limit which means that most non-EU airlines can already today do much more block flying hours than EU airlines which are faced with the 900h limit.

In addition, there is no safety justification to further restrict the current WTD limit. There is already requirement to evenly distribute the duty hours,

**Proposal:**

Replace OR.OPS.040. FTL (b) (2) with '**in 1 calendar year**'

comment

3045

comment by: *UCC SLO*

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

~~(1) in any seven consecutive days; and~~

~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any 28 consecutive days; and  
(2) in any 12 consecutive calendar months.~~

Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

- (1) *60 hours* in any seven consecutive days; and  
(2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

- (1) *100 hours* in any 28 consecutive days; and  
(2) *900 hours* in any 12 consecutive calendar months.

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) BR establishes that substantive provisions of Subpart Q should be included in IR. The total **amount** of duty and flight hours must be considered a substantive provision.

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

comment

3278

comment by: *cfdt france*

#### **OR.OPS.040.FTL Flight times and duty periods**

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any seven consecutive days; and  
(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any 28 consecutive days; and  
(2) in any 12 consecutive calendar months.~~

**Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as possible throughout their respective period:**

- (1) 60 hours in any seven consecutive days; and  
(2) 180 hours in any 28 consecutive days;**

**(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as possible throughout their respective period:**

- (1) 100 hours in any 28 consecutive days; and  
(2) 900 hours in any 12 consecutive calendar months.**

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything possible within their

operational limits to comply with this.

**Art. 22 2. (a) BR establishes that substantive provisions of Subpart Q should be included in IR. The total amount of duty and flight hours must be considered a substantive provision.**

**With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.**

**OR.OPS.050.FTL Standby duty**

( a ) Aerodrome / Operating standby duty shall count in full for the purpose of cumulative duty hours

**Request : Standby duty whether on aerodrome or elsewhere should count for 1/2 of FDP**

**Reason : It is not reasonable to expect crew to maintain high levels of vigilance on a long flight after 6/7 hrs of standby.**

( c ) Aerodrome/Operating standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period

**Request : Home or hotel standby duty should also be followed by a designated rest period**

**Reason : Hotel standby may otherwise be followed by a long haul flight without adequate rest.**

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and comfortable place not accessible to the public.

**Request: AMC or G M should recommend what is to be considered "comfortable".**

**General limitations for standby other than airport standbys should be mentioned in OR.OPS.050FTL.**

comment 3303

comment by: cfdt france

**OR.OPS.040.FTL Flight times and duty periods**

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

~~(1) in any seven consecutive days; and~~

~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

~~(1) in any 28 consecutive days; and~~

~~(2) in any 12 consecutive calendar months.~~

**The CFDT France , Member of ETF asks for the following :**

Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

(1) *60 hours* in any seven consecutive days; and

(2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

(1) *100 hours* in any 28 consecutive days; and

(2) *900 hours* in any 12 consecutive calendar months.

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) **BR establishes that substantive provisions of Subpart Q should be included in IR. The total amount of duty and flight hours must be considered a substantive provision.**

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

1743

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**OPS 045 FTL**

comment 3600 comment by: ECA - European Cockpit Association

Comment: change title as follows:

OR.OPS.040.FTL Flight **and duty** times **limitations and rest requirements and duty periods**

comment 3609 comment by: ECA - European Cockpit Association

Comment:

The change from EU OPS has been noted: restricting the annual block flying hours '900 block hours per 12 consecutive calendar months' rather than 'per calendar year'. ECA fully supports this change.

comment 3645 comment by: AIR FRANCE

Relevant Text:

(b) the total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:

(1) in any 28 consecutive days and

(2) In any 12 consecutive calendar months

Comment:

The EASA proposal is in contradiction and more restrictive than the EU Working Time Directive (WTD) (Council Directive 2000/79/EC of 27 November) which has set a limit of 900 hours in 1 calendar year and provides for more flexibility in particular when planning crew member yearly leave.

EASA's referring to ICAO cannot be accepted as a valid justification taking into account the fact that ICAO is not setting any limit which means that most non-EU airlines can already today do much more block flying hours than EU airlines which are faced with the 900h limit.

In addition, there is no safety justification to further restrict the current WTD limit. There is already requirement to evenly distribute the duty hours,

Proposal:

Replace OR.OPS.040. FTL (b) (2) with 'in 1 calendar year'

comment 3690 comment by: Bristow Helicopters

In line with current UK practice, this requirement should be expanded to reference 3 day , 7 day and consecutive 28 day periods

comment

3691

comment by: *Bristow Helicopters*

We suggest that there is a requirement for Absolute limits to be set for cumulative Flying Duty and Duty over various periods (suggest 28 and 90 days) and there to be a requirement for Absolute limits to be adhered to.

comment

3876

comment by: *Southern Cross International*

Due to the type of operations of our company (test and ferry flights), their infrequent nature and taking into consideration the wide variety of aircraft operated by our company, the different equipment fits for each of those aircraft, the extreme short period of time those aircraft are operated, and the fact that the majority of our crews are employed on a contract per flight basis, it is not possible to specify the total duty periods and total flight time in advance, and therefore it is not possible to spread these out over any period.

comment

3897

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.

The “900 hours in any 12 consecutive months” are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:

“Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

a) at least seven local days in each calendar month, which may include any rest periods required by law; and

b) at least 96 local days in each calendar year, which may include any rest periods required by law.

The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

LTU is highly subject to seasonal effects, e.g. peak during summer season. The “one calendar year” as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed “12 consecutive months” presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members’ leave.

Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the “one calendar year”. The intent is already covered by 1.140 (c).

comment

3912

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w.

Subpart Q of EU-OPS Q.

The "900 hours in any 12 consecutive months" are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:

"Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

- a) at least seven local days in each calendar month, which may include any rest periods required by law; and
- b) at least 96 local days in each calendar year, which may include any rest periods required by law.

The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

Air Berlin is highly subject to seasonal effects, e.g. peak during summer season. The "one calendar year" as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed "12 consecutive months" presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members' leave. Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the "one calendar year". The intent is already covered by 1.140 (c).

comment

3989

comment by: CUD

~~(a) The total duty periods to which a crew member is assigned, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any seven consecutive days; and~~
- ~~(2) in any 28 consecutive days;~~

~~(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as practicable throughout their respective period:~~

- ~~(1) in any 28 consecutive days; and~~
- ~~(2) in any 12 consecutive calendar months.~~

Replace with : (a) The total duty periods to which a crew member is assigned, spread as evenly as *possible* throughout their respective period:

- (1) *60 hours* in any seven consecutive days; and
- (2) *180 hours* in any 28 consecutive days;

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member, spread as evenly as *possible* throughout their respective period:

- (1) *100 hours* in any 28 consecutive days; and
- (2) *900 hours* in any 12 consecutive calendar months.

Reason: The word practicable leads to the conclusion that this only should be

done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Art. 22 2. (a) BR establishes that substantive provisions of Subpart Q should be included in IR. The total **amount** of duty and flight hours must be considered a substantive provision.

With regard to the proposed (a)(2), The MOEBUS study suggests in the answer to question 1 that there is not enough scientific evidence to support precise values, further scientific studies should be undertaken to recommend a precise value. In the meanwhile the recommendation of 180 hours should be followed.

comment 4058

comment by: *Tyrolean Airways*

EU OPS Subpart Q did refer to "..in a calendar month", whereas OR.OPS.050.FTL refers to a rolling period. Subpart Q already reduced plannable duty times for crews. Now further reductions will result as of this change.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 -  
OR.OPS.045.FTL Positioning duty**

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comment 371

comment by: *Reto Ruesch*

OR Ops 045 FTL

Positioning duty b) all time shall count

A period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time due to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 486

comment by: *Heli Gotthard*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 509

comment by: *Stefan Huber*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 532

comment by: *Air Zermatt*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 566

comment by: *Air-Glaciers (pf)*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment	723	comment by: <i>Luftfahrt-Bundesamt</i>
	<p>The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.          We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.          The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.          Justification: see LBA - General Comment, reasons 1 and 2</p>	
comment	791	comment by: <i>Heli Gotthard AG Erstfeld</i>
	<p>OR Ops 045 FTL          Positionning duty b) all time shall count          b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country.          In any case that shall be left to the National Authority competence.</p>	
comment	812	comment by: <i>SHA (AS)</i>
	<p>b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country.          In any case that shall be left to the National Authority competence.</p>	
comment	834	comment by: <i>Berner Oberländer Helikopter AG BOHAG</i>
	<p>b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country.          In any case that shall be left to the National Authority competence.</p>	
comment	932	comment by: <i>Heliswiss AG, Belp</i>
	<p>b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country.          In any case that shall be left to the National Authority competence.</p>	
comment	969	comment by: <i>Heliswiss</i>
	<p>b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country.          In any case that shall be left to the National Authority competence.</p>	
comment	994	comment by: <i>Heliswiss NV</i>
	<p>b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country.          In any case that shall be left to the National Authority competence.</p>	
comment	1020	comment by: <i>Dirk Hatebur</i>

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 1315

comment by: Catherine Nussbaumer

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 1339

comment by: Jan Brühlmann

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 1361

comment by: Walter Mayer, Heliswiss

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 1472

comment by: M Wilson-NetJets

**Original text:**

OR.OPS.045.FTL Positioning duty

Where operators assign crew members to positioning duty, the following shall apply, taking into account the type of operation:

- (a) Positioning after reporting but prior to operating shall be included as part of the FDP but shall not count as a sector;
- (b) All of the time spent positioning shall count as duty time and shall be taken into account for the calculation of the minimum rest period.

**Suggested new text:**

R.OPS.045.FTL Positioning duty

Where operators assign crew members to positioning duty, the following shall apply, taking into account the type of operation:

- (a) Positioning after reporting but prior to operating shall be included as part of the FDP but shall not count as a sector;
- (b) All of the time spent positioning shall be factored towards duty time and shall be taken into account for the calculation of the minimum rest period;
- (c) When determining the factor that positioning is counted towards the FDP and/or rest period the following shall be taken into account:**
  - (i) The active involvement of the crew member in the positioning**
  - (ii) Possibility to rest during the positioning**
  - (iii) Physical impact of the positioning and its effect on fatigue.**

**Comment/suggestion:**

Positioning is counted fully towards duty but different modes of positioning lead to different levels of fatigue. Positioning as self-drive-car leads to much more fatigue than a first class airline or positioning as a single passenger on a

business jet where, in both occasions, you can rest comfortably in a bed. Therefore, a provision should be added to allow for different types and modes of positioning and allow for a factor, equal to the amount of fatigue that is accumulated during that positioning, toward rest requirements and maximum duty and flight duty limitations.

comment 1553 comment by: *Pascal DREER*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 1743 comment by: *Jill Pelan*

**OPS 045 FTL**

**The CFDT france asks for Positioning duty FOLLOWING operating duty be counted as part of the FDP.**

**Positioning generates fatigue before and after operating duty and should be counted in both cases for FDP as this value of time affects rest period time post flight .**

comment 2221 comment by: *Christophe Baumann*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 2244 comment by: *HDM Luftrettung gGmbH*

OR.OPS.045.FTL:

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence

comment 2264 comment by: *Benedikt SCHLEGEL*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 2720 comment by: *Philipp Peterhans*

b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 2786 comment by: *BALPA*

We agree with the text in this section.

- comment 2835 comment by: *Ph. Walker*  
 b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.
- comment 3254 comment by: *Hans MESSERLI*  
 b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.
- comment 3304 comment by: *cfdt france*  
**OPS 045 FTL**  
**The CFDT france asks for Positioning duty FOLLOWING operating duty be counted as part of the FDP.**  
**Positioning generates fatigue before and after operating duty and should be counted in both cases for FDP as this value of time affects rest period time post flight**
- comment 3419 comment by: *ECA - European Cockpit Association*  
 Comment on OR.OPS.045.FTL (b) on Positioning duty: change as follows  
 Return to the text from EU OPS 1.1105 5.3.:  
**A positioning sector or immediately following operating sector or will be taken into account for the calculation of minimum rest as defined in OPS 1.1110(1.1) and (1.2).**  
 Justification:  
 Positioning sector counts as duty and will impact on the rest requirement accordingly. Therefore, it should be stated as in the old text of EU OPS 1.1105 5.3.
- comment 3481 comment by: *Trans Hélicoptère (pf)*  
 b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.
- comment 3587 comment by: *Heliswiss International*  
 b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.
- comment 3797 comment by: *Swiss Helicopter Group*  
 b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 3878 comment by: *Eliticino SA*  
 b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

comment 4034 comment by: *ADAC Luftrettung GmbH*  
 b) : period of maximum 3 hours per day (positioning) shall be allowed before starting to count as duty time owing to the short distance within the country. In any case that shall be left to the National Authority competence.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 1 -  
 OR.OPS.050.FTL Standby duty**

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comment 339 comment by: *REGA*  
 HEMS needs special regulations:  
 REGA operates for many decades using the same schema and policy of e.g. "standby duty requirements" for their crew members (HCM/DOCTORS). Thru those decades the management and the crew member themselves experienced very positive results regarding flight safety, health and work-live-balance aspects.  
 Due to the organization and the comfortable accommodation of each HEMS operating base, during standby duty crew members have the opportunity to relax (according at least OR.OPS.050.FTL).

comment 372 comment by: *Reto Ruesch*  
 OR oPs 050 FTL  
 standby duty  
 The standby duty has to be separated and not count in full. It is not possible to fulfill for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to the National Authority competence.

comment 395 comment by: *Ryanair*  
**OR.OPS.050.FTL (d) Standby**  
**Comment**  
 Whilst on aerodrome/operating site standby an individual crew member accrues 100% duty time therefore any requirement to provide such crew members with a "quiet and comfortable place not accessible to the public" is irrelevant and cannot be interpreted as essential to safety.  
**Proposal**  
 Delete (d)

comment 487 comment by: *Heli Gotthard*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment 510

comment by: *Stefan Huber*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment 533

comment by: *Air Zermatt*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment 567

comment by: *Air-Glaciars (pf)*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment 639

comment by: *easyjet safety*

(d) Comment: Airport standby is fully accountable for duty whereas " quiet and comfortable place not accessible to the public" reflects a rest requirement specification.

Proposal: Replace with "Appropriate arrangements for crew awaiting any allocation of a duty period ."

comment 700

comment by: *Civil Aviation Authority of Norway*

This rule does not contain any provisions on how such standby-duty should affect the flight duty period (FDP), in contrast to EU-OPS 1.1125, pt. 1.3, where this is subject to regulation by national authorities. We feel that the relationship between airport standby and how this should affect the FDP, should be regulated. In Norway (and Sweeden and Denmark) we have regulated this as follows: "*Should airport standby as per OPS 1.1125 point 1.3 of Regulation (EEC) No. 3922/91 Annex III be immediately followed by a flight duty, the maximum daily flight duty period shall be charged with 100% of the standby period*".

comment 724

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

- comment 792 comment by: *Heli Gotthard AG Erstfeld*  
 OR OPs 050 FTL  
 standby duty  
 The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.
- comment 813 comment by: *SHA (AS)*  
 The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.
- comment 835 comment by: *Berner Oberländer Helikopter AG BOHAG*  
 The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.
- comment 933 comment by: *Heliswiss AG, Belp*  
 The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.
- comment 971 comment by: *Heliswiss*  
 The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.
- comment 995 comment by: *Heliswiss NV*  
 The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.
- comment 1022 comment by: *Dirk Hatebur*  
 The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.
- comment 1101 comment by: *AEA*  
**Relevant Text:**  
 When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation ....  
**Comment:** Editorial  
**Proposal:**

OR.OPS.050 **Aerodrome/operating** site Standby Duty  
Where operators assign crew members to **aerodrome/operating** site standby duty....

comment 1123 comment by: ECA - European Cockpit Association

Comment on OR.OPS.050.FTL: change as follows:

Where operators assign crew members to standby duty, the following shall **be considered apply**, where applicable to the type of operation

Justification:

To provide the text with the intended meaning '*shall be considered*' must be replaced by '*shall apply*'.

comment 1124 comment by: ECA - European Cockpit Association

Comment on OR.OPS.050.FTL:

The start and end of airport SB needs to be defined as it is done under OR.OPS.350.FTL (b) (3) and should be moved to this section.

comment 1125 comment by: ECA - European Cockpit Association

Comment on OR.OPS.050.FTL (a):change as follows:

Aerodrome/operating site standby shall count in full for the purpose of cumulative duty hours. **No more than one consecutive duty should involve airport standby; such standby should be avoided when onerous duties are involved.**

Justification:

The Scientific evaluation suggests that no more than one consecutive duty should involve airport standby; such standby should be avoided when onerous duties are involved.

comment 1126 comment by: ECA - European Cockpit Association

Comment on OR.OPS.050.FTL (b): change as follows

Aerodrome/operating site standby duty which is immediately followed by a flight duty shall be added to the duty period and shall count for the purpose of calculating minimum rest periods; **it must be regarded as flight duty for the calculation of the applicable FDT limit unless approved mitigation measures are in place;**

Justification:

Scientific evaluation recommends that airport standby associated with an immediately following FDP counts as flight duty when calculating the maximum FDP. In general, aerodrome/operating site standby shall be treated like any other form of duty immediately prior to a FDP unless mitigation measurements such as an FRMS and/or facilities /sleeping facility suggest otherwise. The requirement to regard airport standby 100% under the FDP limit may eventually be reduced if a FRMS is in place and sleeping facilities away from

public areas are provided. A reduction below 50% shall not be considered.  
Scientific Evaluation:

In the meantime it would appear reasonable to propose that time spent in airport standby should normally count 100% as flight duty when calculating the maximum FDP.

comment 1127 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.050.FTL(c):

Aerodrome/operating site standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period followed by a designated rest period as stated in the applicable CS and allowing a minimum sleep opportunity of 8 hours.

comment 1209 comment by: *Sven Freisenich*

See also comments under OR.OPS.010.FTL (c) Duty.

comment 1283 comment by: *Dassault Aviation*

Technical comment:

Page 27 OR.OPS.050.FTL Standby duty: The standby maximum duration should be specified in the Operations Manual, and its start and end time should be notified in advance to the flight crew member as prescribed in the EU-OPS1 Subpart Q, §1125.

comment 1300 comment by: *UK CAA*

**Page No:** 27

**Paragraph No:**  
OR.OPS.050.FTL

**Comment:**

"Standby Duty" only refers to standbys at aerodromes or operating sites. It does not include "home", "hotel" or similar standby duties in relation to any of the circumstances being considered in this rule.

**Justification:**

"Home" or other standby duty will have fatigue inducing potential and needs to both be considered and defined. (This definition may need to be placed in OR.OPS.010.FTL)

**Proposed Text (if applicable):**

(e) Standby duty hours other than at aerodromes or operating sites shall take into account the length of standby and any assigned flight duty. The accounting of standby times for the purposes of cumulative duty hours shall be defined.

comment 1316 comment by: *Catherine Nussbaumer*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and

night. In any case that shall be left to national authority competence.

comment 1340

comment by: Jan Brühlmann

The standby duty has to be separated and not counted in full. It is not possible to fulfill for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment 1362

comment by: Walter Mayer, Heliswiss

The standby duty has to be separated and not counted in full. It is not possible to fulfill for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment 1413

comment by: Unionen/Sweden

- Airport standby shall count in its full extent when calculating the maximum FDP. Even when not called out airport standby shall be followed by the minimum rest period (12 hours). The maximum duration of airport standby shall be 12 hours.
- Time spent on standby other than airport standby shall be taken into account when calculating the maximum FDP depending on to what extent it overlaps the WOCL (if it covers the WOCL, it should not be counted as FDP). All time spent on standby shall be accounted for cumulative duty hours. The FDP shall be charged with 50% of the standby period of the crew member.

comment 1473

comment by: M Wilson-NetJets

**Original text:**

OR.OPS.050.FTL Standby duty

Where operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation:

- (a) Aerodrome/operating site standby shall count in full for the purpose of cumulative duty hours;
- (b) Aerodrome/operating site standby duty which is immediately followed by a flight duty shall be added to the duty period and shall count for the purpose of calculating minimum rest periods;
- (c) Aerodrome/operating site standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period;
- (d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and comfortable place not accessible to the public.

**Suggested new text:**

OR.OPS.050.FTL Standby duty

Where operators assign crew members to standby duty, the following shall be considered:

- (a) The operator shall take into account the facilities provided/available to the crew member during periods of standby when determining the reduction in maximum available duty time and flight duty time and in determining the influence they have in rest calculations.
- (b) The operator shall establish a maximum standby period for each type of

standby taking into account the facilities provided/available and the anticipation factor;  
 For determining the fatigue/rest balance of a facility the operator shall take the following factors into account:

- (a) Average and peak noise levels
- (b) Ability to control levels of light
- (c) Ability to control temperatures
- (d) Accessibility by other persons including other personnel and the public
- (e) Amenities such as chairs, sofa's, lounge chairs, beds, showers etc.

**Comment/suggestion:**

Standby can take different forms in different types of operations. The provisions in this IR are tailored to scheduled airline operations with a fixed base concept or with a limited number of destinations where certain facilities are more easily arranged. For a non-scheduled/de-centralized/on-demand operation there are many different options to provide different levels of accommodation during the standby period and their influence on different types of duty (including flight duty) and rest. As an Example the crewmember after a standby period of 4 hours maybe positioned to a new rest location in business class. With the current description of this paragraph this is not possible, but completely safe. To ensure the maximum flexibility for each type of operation the provisions of this paragraph need to be placed in the CS or AMC and the IR text changed.

comment

1554

comment by: *Pascal DREER*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment

1609

comment by: *TAP Portugal*

**Relevant Text:**

When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation ....

**Comment:** Editorial

**Proposal:**

OR.OPS.050 **Aerodrome/operating** site Standby Duty

Where operators assign crew members to **aerodrome/operating** site standby duty....

comment

1744

comment by: *Jill Pelan*

**OR.OPS.050.FTL Standby duty**

( a ) Aerodrome / Operating standby duty shall count in full for the purpose of cumulative duty hours

**CFDT & ETF Request : Standb y dut y wh ether on ae rodrome o r elsewhere should count for ½ of FDP**

**Reason : It is not reasonable t o expect crew to maintain high levels of vigilance on a long flight after 6/7 hrs of standby.**

( c ) Aerodrome/Operating standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period

**CFDT& ETF Request : Home or h otel s tandby du ty sh ould als o be followed by a designated rest period**

**Reason : Hotel standby may otherwise be followed by a long haul flight without adequate rest.**

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and comfortable place not accessible to the public.

Request: AMC or GM should recommend what is to be considered "comfortable".

**The CFDT France & ETF asks for General limitations for standby other than airport standby to be mentioned in OR.OPS.050FTL.**

comment 1772

comment by: Sean Butler, bmi

**Page: 27 Section: OR.OPS.050.FTL Standby Duty**

Relevant Text: OR.OPS.050.FTL Standby Duty

When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation ....

Comment: Editorial

Proposal: OR.OPS.050 Aerodrome/operating site Standby Duty

Where operators assign crew members to aerodrome/operating site standby duty....

comment 1806

comment by: KLM

Relevant Text: OR.OPS.050.FTL Standby Duty

When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation ....

**Comment:** Editorial

**Proposal:** OR.OPS.050 **Aerodrome/operating site** Standby Duty

Where operators assign crew members to **aerodrome/operating** site standby duty....

comment 1852

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF:

**OR.OPS.050.FTL Standby duty**

(c) ~~Aerodrome/operating site~~ standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period;

**Replace:** All

**Reason:** See the definition of 'Rest': Any duty period should be followed by rest.

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and comfortable place not accessible to the public.

**Request:** AMC or GM should recommend what is to be considered comfortable.

General limitations for standby other than airport standby should be mentioned in OR.OPS.050FTL.

**Add:** (e) 50% of all time spent on standby duty shall count when calculating the maximum FDP.

Reason: See answer to question 15 of the MOEBUS study. It is not reasonable to expect crew to maintain high levels of vigilance on a long flight after 6/7 or even more hours of standby.  
ember of ETF

comment

1880

comment by: Gordana BOBERIC

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and **comfortable** place not accessible to the public.

Request: AMC or GM should recommend what is to be considered comfortable. General limitations for standby other than airport standby should be mentioned in OR.OPS.050FTL.

comment

1938

comment by: FSC - CCOO

(c) ~~Aerodrome/operating site~~ standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period;

Replace: All

Reason: See the definition of 'Rest': Any duty period should be followed by rest.

comment

1939

comment by: FSC - CCOO

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and **comfortable** place not accessible to the public.

Request: AMC or GM should recommend what is to be considered comfortable. General limitations for standby other than airport standby should be mentioned in OR.OPS.050FTL.

comment

1940

comment by: FSC - CCOO

Add: (e) 50% of all time spent on standby duty shall count when calculating the maximum FDP.

Reason: See answer to question 15 of the MOEBUS study. It is not reasonable to expect crew to maintain high levels of vigilance on a long flight after 6/7 or even more hours of standby.

comment

2122

comment by: AUSTRIAN Airlines

**Relevant Text:**

When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation ....

**Comment:** Editorial

**Proposal:**

OR.OPS.050 **Aerodrome/operating** site Standby Duty

Where operators assign crew members to **aerodrome/operating** site standby duty....

comment 2222 comment by: *Christophe Baumann*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment 2245 comment by: *HDM Luftrettung gGmbH*

OR.OPS.050.FTL:

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment 2265 comment by: *Benedikt SCHLEGEL*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment 2278 comment by: *kapers Cabin Crew Union*

(c) ~~Aerodrome/operating~~ site standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period;

Replace: All

Reason: See the definition of 'Rest': Any duty period should be followed by rest.

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and **comfortable** place not accessible to the public.

Request: AMC or GM should recommend what is to be considered comfortable. General limitations for standby other than airport standby should be mentioned in OR.OPS.050FTL.

Add: (e) 50% of all time spent on standby duty shall count when calculating the maximum FDP.

Reason: See answer to question 15 of the MOEBUS study. It is not reasonable to expect crew to maintain high levels of vigilance on a long flight after 6/7 or even more hours of standby.

comment 2602 comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation ....

**Comment:** Editorial

**Proposal:**

OR.OPS.050 **Aerodrome/operating** site Standby Duty

Where operators assign crew members to **aerodrome/operating** site standby duty....

comment 2721 comment by: *Philipp Peterhans*

The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night.In any case that shall be left to national authority competence.

comment 2776 comment by: *Civil Aviation Authority of Norway*

Comment to subsection (a): No definition is made for "operating site".  
A definition should be taken into Ops 010.

comment 2777 comment by: *Civil Aviation Authority of Norway*

Comment to subsection c: The length of the rest period should be defined.

comment 2794 comment by: *BALPA*

Section (a) - Agree that any time spent on standby should be counted towards the duty hour totals.

However, there is no mention here of how reporting for an aerodrome/operating site standby will affect an individuals FDP. We feel it is imperative that the following text is introduced in order to avoid fatigue becoming an issue - "When a crewmember is on a standby duty on immediate readiness at an aerodrome/operating site, the allowable FDP is calculated using the start time of the standby duty."

Section (c) is far too vague.

Please define a "designated" rest period.

We feel the following sentence needs to be adopted in order to avoid operators planning less than 12 hours rest after such a duty:

"When any period of standby finishes, during which a call-out has not occurred, at least 12 hours rest must follow prior to the next duty period."

Section (d) - We feel that crew members must not be expected to conduct non-FDP related duties during this standby period.

comment 2817 comment by: *Irish Aviation Authority*

Paragraph (b) & (c)

Comment:

(b) There is no account for the time spent on standby at the aerodrome/operating site to be included in the FDP if a crew member is required to report for a flight duty when called out on standby. The normal practice is that the time spent on standby at the aerodrome/operating site prior to being called out for a flight duty is counted as FDP ( as the crew member has already reported for duty and is available immediately for a flight

duty).

(c) There is no guidance on the calculation of a designated rest period following a standby duty. The normal practice is that the time spent on standby at an aerodrome/operating site, if not called out for a flight duty, will count in full towards total duty time for the purpose of calculating a subsequent rest period.

comment 2836

comment by: *Ph. Walker*

The standby duty has to be separated and not counted in full. It is not possible to fulfill for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment 2938

comment by: *Gregor Rozina*

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and **comfortable** place not accessible to the public.

Request: AMC or GM should recommend what is to be considered comfortable. General limitations for standby other than airport standby should be mentioned in OR.OPS.050FTL.

comment 2964

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation ....

**Comment:** Editorial

**Proposal:**

OR.OPS.050 **Aerodrome/operating** site Standby Duty

Where operators assign crew members to **aerodrome/operating** site standby duty....

comment 3047

comment by: *UCC SLO*

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and **comfortable** place not accessible to the public.

Request: AMC or GM should recommend what is to be considered comfortable. General limitations for standby other than airport standby should be mentioned in OR.OPS.050FTL.

comment 3159

comment by: *DGAC*

**Proposal:** Amend the title as follows :

« OR.OPS.050.FTL Standby ~~duty~~ »

and replace "standby duty" by "standby" throughout OR.OPS.050

**Justification:** Some forms of standby are not considered as duty and therefore do not lead to a rest. Only aerodrome/operating site standby are duty periods.

comment 3197

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation.

**Comment:**

This section deals with Aerodrome/operating site standby only and this should be reflected in the title.

**Proposed Text:**

Amend as follows:

OR.OPS.050 Aerodrome/operating site Standby Duty

Where operators assign crew members to aerodrome/operating site standby duty....

comment

3255

comment by: Hans MESSERLI

The standby duty has to be separated and not counted in full. It is not possible to fulfill for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment

3305

comment by: cfdt france

**OR.OPS.050.FTL Standby duty**

( a ) Aerodrome / Operating standby duty shall count in full for the purpose of cumulative duty hours

**CFDT & ETF Request : Standby duty whether on aerodrome or elsewhere should count for 1/2 of FDP**

**Reason : It is not reasonable to expect crew to maintain high levels of vigilance on a long flight after 6/7 hrs of standby.**

( c ) Aerodrome/Operating standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period

**CFDT & ETF Request : Home or hotel standby duty should also be followed by a designated rest period**

**Reason : Hotel standby may otherwise be followed by a long haul flight without adequate rest.**

(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and comfortable place not accessible to the public.

Request: AMC or GM should recommend what is to be considered "comfortable".

**The CFDT France & ETF asks for General limitations for standby other than airport standby to be mentioned in OR.OPS.050FTL**

comment

3381

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Comment**

The global meaning of this article is not adequate. All forms of standby cannot be considered as duty because it would lead to supplementary days off.

**Proposal**

The word "duty" must be removed from the title and therefore of the article. The article must be rewritten to avoid this situation. (OPS 1.1125 - 2.1.5).

**Justification**

Obvious

comment 3421 comment by: ECA - European Cockpit Association

Comment: a paragraph "OR.OPS.055.FTL Rest Periods" is missing. Reference is made to this chapter in OR.OPS.330.FTL (d)(5) and there is also a GM OR.OPS.055.FTL but the chapter is missing.

comment 3482 comment by: Trans Héli (pf)

The standby duty has to be separated and not counted in full. It is not possible to fulfill for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment 3553 comment by: KLM Cityhopper

**Comment:** Editorial

**Proposal:**

OR.OPS.050 **Aerodrome/operating** site Standby Duty

Where operators assign crew members to **aerodrome/operating** site standby duty....

comment 3588 comment by: Heliswiss International

The standby duty has to be separated and not counted in full. It is not possible to fulfill for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment 3621 comment by: ECA - European Cockpit Association

Comment:

The current proposed standby rules should be further detailed in line with the following proposed new text:

**- In general the total length of a standby period should be limited to provided protected rest periods. An operator shall understand the physiological need for rest as it is impossible to be ready for a maximum FDP at all times.**

**- For a prolonged standby period the operator and crew member shall agree on periods of rest during the standby. General rules should be outlined in the OM-A.**

**- At best the crew member should be able to take a rest which covers the WO CL. Any interruption of the rest by the operator must be considered adequately when allocating flight duty.**

**Non-airport standby shall count by 35% of its duration towards accumulative duty limits.**

Justification regarding the 35% figure:

CD 2000/79/EC limits the annual working time to 2000 hours considering 48 work weeks. This totals to 41,66 hrs per calendar week. The directive requires further a minimum of 96 days free of duty per 48 work weeks; thus two days per week. Should a crew member be on standby for a total of 5 days per week

this standby period shall be understood as an equal to 41,66 hrs of working time, to provide an evenly spread of working time during the rest of the yearly period.

5 days x 24 hrs = 120 hrs duration

120 hrs / 41,66 hrs per week ==> 35%

comment

3646

comment by: *AIR FRANCE*

Relevant Text:

When operators assign crew members to standby duty, the following shall be considered, where applicable to the type of operation ....

Comment: Editorial

Proposal:

OR.OPS.050 Aerodrome/operating site Standby Duty

Where operators assign crew members to aerodrome/operating site standby duty....

comment

3692

comment by: *Bristow Helicopters*

Requires definition of Standby spent away from operating base ie home or hotel.

comment

3799

comment by: *Swiss Helicopter Group*

The standby duty has to be separated and not counted in full. It is not possible to fulfill for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment

3853

comment by: *IACA International Air Carrier Association*

(a) and (b)

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.

The “900 hours in any 12 consecutive months” are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:

“Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

a) at least seven local days in each calendar month, which may include any rest periods required by law; and

b) at least 96 local days in each calendar year, which may include any rest periods required by law.

The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

IACA carriers are highly subject to seasonal effects, e.g. peak during summer season. The “one calendar year” as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed

"12 consecutive months" presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members' leave. Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the "one calendar year". The intent is already covered by 1.140 (c).

comment 3858 comment by: *IACA International Air Carrier Association*  
See also comments under OR.OPS.010.FTL (c) Duty.

comment 3879 comment by: *Elitcino SA*  
The standby duty has to be separated and not counted in full. It is not possible to fullfil for operators involved in SAR-HEMS operations operating day and night. In any case that shall be left to national authority competence.

comment 3898 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*  
See also comments under OR.OPS.010.FTL (c) Duty.

comment 3913 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*  
See also comments under OR.OPS.010.FTL (c) Duty.

comment 3990 comment by: *CUD*  
(c) ~~Aerodrome/operating site~~ standby duty which does not lead to an assignment of flight duty shall be followed by a designated rest period;  
  
Replace: All  
  
Reason: See the definition of 'Rest': Any duty period should be followed by rest.

comment 3992 comment by: *CUD*  
(d) Crew members on aerodrome/operating site standby duty shall be provided with a quiet and comfortable place not accessible to the public.  
  
Request: AMC or GM should recommend what is to be considered comfortable. General limitations for standby other than airport standby should be mentioned in OR.OPS.050FTL.

comment 3993 comment by: *CUD*  
Add: (e) 50% of all time spent on standby duty shall count when calculating the maximum FDP.  
  
Reason: See answer to question 15 of the MOEBUS study. It is not reasonable

to expect crew to maintain high levels of vigilance on a long flight after 6/7 or even more hours of standby.

comment

4039

comment by: ADAC Luftrettung GmbH

Diese Vorschrift ist nur bedingt für HEMS anwendbar.

Hier sollten möglichst die nationalen Dienst-,Flugdienst-, Block und Ruhezeiten von Besatzungsmitgliedern in Luftfahrtunternehmen übernommen werden.

Zumindest in Deutschland regelt die 2. DVLuftBO FTL für Besatzungsmitglieder die in HEMS eingesetzt sind.

### C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 2

p. 28

comment

725

comment by: Luftfahrt-Bundesamt

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment

3160

comment by: DGAC

**Proposal:** Amend (b)(3) as follows :

“(3) use ~~approved~~ **individual** flight time specification schemes **approved for commercial operators in accordance with O R.OPS.330(b)(2)** which are appropriate for the type of operation”

**Justification:** it is not clear whether an non commercial operator of complex motor-powered aircraft can ask for the approval of an original individual schemes or if that operator has to use something already approved. We prefer that this operator uses already approved schemes taken from the shelves.

### C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 2 - OR.OPS.230.FTL Flight and duty time limitations and rest requirements for non- commercial operators of complex motor-powered aircraft

p. 28

comment

726

comment by: Luftfahrt-Bundesamt

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1729

comment by: *Michael Hoeck*

Again the legislation seems to be unaware of the reality in cooperate aviation. Mostly we do not fly very much and are well rested. The idea of a roster is not plausible for a minimum crew department nor required in the way you want it. I strongly recommend to make provisions in regulation that reflect reality. If I havent flown for, say 5 days, I could most likely do more than if I´m constantly interupting my sleep. Yet the regulations don´t come up these things.

A FRMS is a total overkill. What is so hard in understanding the word PRIVATE OPERATION as opposed to COMMERCIAL AIR TRANSPORT?

I really don´t understand what you are up to. The last legislation put in force was way more demanding from aircrews as the old german one, now we go back or just produce paper to cover?

comment 3396

comment by: *Konrad Polreich*

OR.OPS.230.FTL (b)(3)

Presently applied flight time limitation schemes, approved by the competent authorities, should be accepted as appropriate, when a FRMS acc. OR.OPS.025.025.FTL is added.

Suggestion:

Flight time limitation schemes, approved by the competent authorities before this regulation was established are considered appropriate, when a FRMS acc. OR.OPS.025.025.FTL is already integrated or added.

comment 3693

comment by: *Bristow Helicopters*

Does this apply to Military reservists? How to integrate into Commercial FTL records. Is it apply more stringent rules?

### **C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 3**

p. 28

comment 727

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1787

comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

make the rules proportional to the scale and scope and risk of the operation with balloons.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 3 -  
OR.OPS.320.FTL Records of flight and duty times and rest periods**

p. 28

comment 184 comment by: *ECA - European Cockpit Association*  
 Comment on OR.OPS.320.FTL(a)(2): change as follows:  
 (2) start, duration and end of each duty ~~or~~ **and** Flight Duty Period; and  
 Justification:  
 Both concepts (duty and flight duty) must be included.

comment 701 comment by: *Civil Aviation Authority of Norway*  
 We consider this section to be unnecessary, as it is a repetition of OR.OPS.20.FTL, subsection (b).

comment 728 comment by: *Luftfahrt-Bundesamt*  
 The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.  
 We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.  
 The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.  
 Justification: see LBA - General Comment, reasons 1 and 2

comment 1129 comment by: *ECA - European Cockpit Association*  
 Comment on OR.OPS.320.FTL (a)(2):  
 Text duplicated in OR.OPS.020.FTL; these paragraphs should be consolidated and merged, e.g. merge all in OR.OPS.020 for all types of operations.

comment 1130 comment by: *ECA - European Cockpit Association*  
 Comment on OR.OPS.320.FTL(b):(see comment 1129):  
 Text duplicated in OR.OPS.020.FTL; these paragraphs should be consolidated and merged.

comment 1745 comment by: *Jill Pelan*  
**OR.OPS.320.FTL Records of flight and duty times and rest periods**  
 The CFDT France makes the comments:  
 Commercial operators shall ~~maintain~~ individual records related to the

employment of all crew members regarding their flight and duty times and rest periods as follows:

- (a) Flight, duty ~~and~~ and rest period records, including, for a period of 15 months:
- (1) flight times;
  - (2) start, duration and end of each duty or Flight Duty Period; and
  - (3) rest periods and days free of all duties;
- (b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

**REQUEST CFDT** Replace: maintain by "maintain and make accessible to the crew member on request"

**Insert:** (a) ~~\*\*~~ (4) time spent on standby duty

**Reason:** To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

comment

1853

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF

**OR.OPS.320.FTL Records of flight and duty times and rest periods**

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

- (a) Flight, duty and rest period records, including, for a period of 15 months:
- (1) flight times;
  - (2) start, duration and end of each duty or Flight Duty Period; and
  - (3) rest periods and days free of all duties;
- (b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

**Replace:** maintain and make accessible to the crew member on request

**Insert:** (a) (4) time spent on standby duty

**Reason:** To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded

comment

1869

comment by: *Gordana BOBERIC*

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

- (a) Flight, duty and rest period records, including, for a period of 15 months:
- (1) flight times;
  - (2) start, duration and end of each duty or Flight Duty Period; and
  - (3) rest periods and days free of all duties;
- (b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

**Replace:** maintain and make accessible to the crew member on request

**Insert:** (a) (4) time spent on standby duty

**Reason:** To provide legal certainty regulated individuals should have access to

any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

comment

1941

comment by: FSC - CCOO

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

(a) Flight, duty and rest period records, including, for a period of 15 months:

(1) flight times;

(2) start, duration and end of each duty or Flight Duty Period; and

(3) rest periods and days free of all duties;

(b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

Replace: maintain and make accessible to the crew member on request

Add: (a) (4) time spent on standby duty

Reason: To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

comment

2279

comment by: kapers Cabin Crew Union

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

(a) Flight, duty and rest period records, including, for a period of 15 months:

(1) flight times;

(2) start, duration and end of each duty or Flight Duty Period; and

(3) rest periods and days free of all duties;

(b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

Replace: maintain and make accessible to the crew member on request

Insert: (a) (4) time spent on standby duty

Reason: To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

comment

2943

comment by: Gregor Rozina

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

(a) Flight, duty and rest period records, including, for a period of 15 months:

(1) flight times;

(2) start, duration and end of each duty or Flight Duty Period; and

(3) rest periods and days free of all duties;

(b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

Replace: maintain and make accessible to the crew member on request

Insert: (a) (4) time spent on standby duty

Reason: To provide legal certainty regulated individuals should have access to

any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

comment

3048

comment by: UCC SLO

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

(a) Flight, duty and rest period records, including, for a period of 15 months:

(1) flight times;

(2) start, duration and end of each duty or Flight Duty Period; and

(3) rest periods and days free of all duties;

(b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

Replace: maintain and make accessible to the crew member on request

Insert: (a) (4) time spent on standby duty

Reason: To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

comment

3283

comment by: cfdt france

**OR.OPS.320.FTL Records of flight and duty times and rest periods**

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

(a) Flight, duty and rest period records, including, for a period of 15 months:

(1) flight times;

(2) start, duration and end of each duty or Flight Duty Period; and

(3) rest periods and days free of all duties;

(b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

**Replace:** " maintain and make accessible to the crew member on request"

**Insert:** (a) (4) time spent on standby duty

**Reason:** To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

comment

3306

comment by: cfdt france

**OR.OPS.320.FTL Records of flight and duty times and rest periods**

The CFDT France makes the comments:

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

(a) Flight, duty **\*\*** and rest period records, including, for a period of 15 months:

(1) flight times;

(2) start, duration and end of each duty or Flight Duty Period; and

(3) rest periods and days free of all duties;

(b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

**REQUEST CFDT** Replace: maintain by "maintain and make accessible to the

crew member on request"

**Insert:** (a)\*\*(4) time spent on standby duty

**Reason:** To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

comment

3398

comment by: Konrad Polreich

OR.OPS.320.FTL

This is a duplication of requirements already stated in OR.OPS.020.FTL (b)

Suggestion:

Delete OR.OPS.320.FTL completely

comment

3501

comment by: IATA

Attachment [#15](#)

file attached

comment

3994

comment by: CUD

Commercial operators shall ~~maintain~~ individual records related to the employment of all crew members regarding their flight and duty times and rest periods as follows:

(a) Flight, duty and rest period records, including, for a period of 15 months:

(1) flight times;

(2) start, duration and end of each duty or Flight Duty Period; and

(3) rest periods and days free of all duties;

(b) Reports by the pilot-in-command on extended flight duty periods, extended flight hours and reduced rest periods, for a period of six months.

Replace: maintain and make accessible to the crew member on request

Add: (a) (4) time spent on standby duty

Reason: To provide legal certainty regulated individuals should have access to any record of their duty and flight hours. As standby counts for cumulative duty hours it should be recorded.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 3 - OR.OPS.325.FTL Fatigue Risk Management System (FRMS)**

p. 28-29

comment

209

comment by: Eurowings Luftverkehrs AG

FRMS is clearly a part of the Safety Management System. As stated by the EASA during the meeting in Cologne on 11.03.09 this chapter is not be understood as a need for implementing further rules in the CMS. Therefore this whole chapter has definitely to be taken out from the section of "Flight Duty and limitations and rest time requirements" and be moved. The existing limitations and rest time requirements are sufficient to ensure duty rosters that avoid fatigue. FRMS as part of a Management System is wrongly placed here!

comment 383 comment by: *Condor Flugdienst GmbH - FRA HO/R*  
 We, Condor Flugdienst GmbH, cannot properly comment to proposed ICAO FRMS document, as this will only be adopted late this year.

comment 396 comment by: *Ryanair*  
**OR.OPS.325.FTL – Fatigue Risk Management System**  
**Comment**  
 This requirement takes no account of airlines which have made significant investment in scientific and technical evaluation of FTL Schemes and changes to these schemes.  
**Proposal**  
*Where applicable in accordance with the Requirements of OR.OPS.025.FTL the FRMS of a commercial operator.....*

comment 451 comment by: *Quality Assurance, Denim Air*  
 The FRMS document from ICAO that the NPA relies on has not been finalized. It is not reasonable to ask the sector for comments to a draft guideline that we do not have nor can comment upon. Either define the requirements EASA wants or suspend, preferred option, the FRMS system until ICAO is ready.

comment 729 comment by: *Luftfahrt-Bundesamt*  
 The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.  
 We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.  
 The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.  
 Justification: see LBA - General Comment, reasons 1 and 2

comment 1106 comment by: *AEA*  
**Relevant Text:**  
 The FRMS of a commercial operator shall contain the following components, where applicable to the type, size and complexity of the operations and of the corresponding flight time specification scheme (a) Fatigue Risk Management Policy (b) Education and Awareness Training Programmes (c) Process for the detection, reporting, investigation and management of fatigue risk (d) process for monitoring crew member fatigue (e) processes for reporting, investigating and recording incidents that may be attributable wholly or partially to fatigue (f) FRMS feedback and adjustment mechanism  
**Comment:**  
 This is prescriptive overregulation which would lead to unjustified organizational costs for airlines whereas it does not take into account the fact that fatigue is one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should remain optional for those airlines that want to gain

additional flexibility to operate for specific flights beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS.

**Proposal:**

Delete OR.OPS.325

comment 1131 comment by: ECA - European Cockpit Association

Comment on OR.OPS.325.FTL:

The FRMS of a commercial operator shall contain the following components, ~~where applicable to the type, size and complexity of the operations and of the corresponding flight time specification scheme:~~

Justification:

FRMS (Fatigue Risk Management Systems)

"... **where applicable** ..." shall be deleted since the text is for commercial operators only and all of them should follow this FRMS structure.

Further operators should be provided with rules and guidance on the essential elements a FRMS must contain; the recent ICAO working paper (ICAO, 2008) provides such guidance

comment 1198 comment by: Sven Freisenich

Same comments as under OR.OPS.025.FTL

Should be deleted as this appears to be prescriptive overregulation which would lead to unjustified organisational costs for airlines. Fatigue is only one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should be part of SMS.

comment 1285 comment by: Dassault Aviation

Technical comment:

Page 28 OR.OPS.325.FTL Fatigue Risk Management System (FRMS). FRMS, as the flight safety department and the quality system, should be an independent body within the operator's organization. In addition to the recommended members, the Fatigue Management Steering Group (FMGS) should ideally incorporate one or more FRMS auditors, in charge of the internal audits.

comment 1567 comment by: British Airways

Please remove the section relating to FRMS until ICAO provide clearer definition of requirements.

comment 1610 comment by: TAP Portugal

**Relevant Text:**

The FRMS of a commercial operator shall contain the following components, where applicable to the type, size and complexity of the operations and of the corresponding flight time specification scheme (a) Fatigue Risk Management Policy (b) Education and Awareness Training Programmes (c) Process for the

detection, reporting, investigation and management of fatigue risk (d) process for monitoring crew member fatigue (e) processes for reporting, investigating and recording incidents that may be attributable wholly or partially to fatigue (f) FRMS feedback and adjustment mechanism

**Comment:**

This is prescriptive overregulation which would lead to unjustified organizational costs for airlines whereas it does not take into account the fact that fatigue is one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should remain optional for those airlines that want to gain additional flexibility to operate for specific flights beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS.

**Proposal:**

Delete OR.OPS.325

comment

1751

comment by: Jill Pelan

Point 43 of NPA 2009 - 2A states ". The FRMS is a scientifically based, datadriven ongoing adaptive process that can identify fatigue risks and develop and evaluate mitigation strategies to manage any emerging operational risks. A FRMS is an integral part of an operator's established management system and should be based on a partnership approach between the operator, competent authority and crew member representatives. The FRMS gives the possibility to apply more flexibility in comparison with prescriptive FTL requirements. FRMS is based on "just culture" and therefore the related GM clarifies the role and responsibilities of operators and crew members. In addition, it explains essential minimal FRMS components to be included as integral part of an operator's established management system and provides with the guidance to assure that fatigue risk management is implemented effectively and that regulatory oversight is performed in a reliable and verifiable documented manner."

**CFDT France Comment:**

*Individual & varied flight schemes can be approved by the authority as long as it*

*Does not create "fatigue risks" which are listed /enumerated in the FRMS ...*

*As most of the flight duty limitations and rest periods are CS material the CFDT feels that this leaves a lot of room for varying flight schemes which may compromise the safety of flights by introducing fatigue generating schemes. THE CFDT ASKS FOR FTL PROVISIONS TO BE IR and NOT CS MATERIAL*

*The CFDT asks how FATIGUE can be realistically measured by the FRMS.*

comment

1773

comment by: Sean Butler, bmi

**Page: 28 Section: OR.OPS. 325 Fa tigue Risk Management Syst em**

**(FRMS)**

Relevant Text: The FRMS of a commercial operator shall contain the following components, where applicable to the type, size and complexity of the operations and of the corresponding flight time specification scheme

- (a) Fatigue Risk Management Policy
- (b) Education and Awareness Training Programmes
- (c) Process for the detection, reporting, investigation and management of fatigue risk
- (d) process for monitoring crew member fatigue
- (e) processes for reporting, investigating and recording incidents that may be attributable wholly or partially to fatigue
- (f) FRMS feedback and adjustment mechanism

Comment: This is prescriptive overregulation which would lead to unjustified organizational costs for airlines whereas it does not take into account the fact that fatigue is one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue.

FRMS should remain optional for those airlines that want to gain additional flexibility to operate for specific flights beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS.

Proposal: Delete OR.OPS.325

comment 1809

comment by: KLM

Relevant Text: The FRMS of a commercial operator shall contain the following components, where applicable to the type, size and complexity of the operations and of the corresponding flight time specification scheme (a) Fatigue Risk Management Policy (b) Education and Awareness Training Programmes (c) Process for the detection, reporting, investigation and management of fatigue risk (d) process for monitoring crew member fatigue (e) processes for reporting, investigating and recording incidents that may be attributable wholly or partially to fatigue (f) FRMS feedback and adjustment mechanism

**Comment:**

This is prescriptive overregulation which would lead to unjustified organizational costs for airlines whereas it does not take into account the fact that fatigue is one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should remain optional for those airlines that want to gain additional flexibility to operate for specific flights beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS.

**Proposal:**

Delete OR.OPS.325

comment 2123

comment by: AUSTRIAN Airlines

**Relevant Text:**

The FRMS of a commercial operator shall contain the following components, where applicable to the type, size and complexity of the operations and of the

corresponding flight time specification scheme (a) Fatigue Risk Management Policy (b) Education and Awareness Training Programmes (c) Process for the detection, reporting, investigation and management of fatigue risk (d) process for monitoring crew member fatigue (e) processes for reporting, investigating and recording incidents that may be attributable wholly or partially to fatigue (f) FRMS feedback and adjustment mechanism

**Comment:**

This is prescriptive overregulation which would lead to unjustified organizational costs for airlines whereas it does not take into account the fact that fatigue is one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should remain optional for those airlines that want to gain additional flexibility to operate for specific flights beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS.

**Proposal:**

Delete OR.OPS.325

comment

2603

comment by: *Deutsche Lufthansa AG***Relevant Text:**

The FRMS of a commercial operator shall contain the following components, where applicable to the type, size and complexity of the operations and of the corresponding flight time specification scheme (a) Fatigue Risk Management Policy (b) Education and Awareness Training Programmes (c) Process for the detection, reporting, investigation and management of fatigue risk (d) process for monitoring crew member fatigue (e) processes for reporting, investigating and recording incidents that may be attributable wholly or partially to fatigue (f) FRMS feedback and adjustment mechanism

**Comment:**

This is prescriptive overregulation which would lead to unjustified organizational costs for airlines whereas it does not take into account the fact that fatigue is one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should remain optional for those airlines that want to gain additional flexibility to operate for specific flights beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS.

**Proposal:**

Delete OR.OPS.325

comment

2810

comment by: *BALPA*

Please see our comments in OR.OPS.025.FTL Fatigue Risk Management Systems (FRMS)

comment

2965

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

The FRMS of a commercial operator shall contain the following components, where applicable to the type, size and complexity of the operations and of the corresponding flight time specification scheme (a) Fatigue Risk Management Policy (b) Education and Awareness Training Programmes (c) Process for the detection, reporting, investigation and management of fatigue risk (d) process for monitoring crew member fatigue (e) processes for reporting, investigating and recording incidents that may be attributable wholly or partially to fatigue (f) FRMS feedback and adjustment mechanism

**Comment:**

This is prescriptive overregulation which would lead to unjustified organizational costs for airlines whereas it does not take into account the fact that fatigue is one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should remain optional for those airlines that want to gain additional flexibility to operate for specific flights beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS.

**Proposal:**

Delete OR.OPS.325

comment

3155 ☐

comment by: DGAC

DGAC contributed to the development of FRMS through its participation in the ICAO Fatigue Risk Management Sub-Group (FRMSG) of the OPS panel. It was the group consensus that FRMS should be implemented by educated operators only. Because of the complexity of the scientific knowledge and analysis methodologies required (as noted in the proposed OR.OPS), FRMS should be implemented for specific issues (e.g. ultra long range flights).

Therefore we strongly recommend limiting FRMS to operators that need a flexible roster for a limited number of cases, i.e. ultra long range, reduced rests, and/or slip duty. The existing FRMS that have been scientifically validated are focused on specific issues (ULR, specific schedule, reduced rests or split duty). There is no scientific feedback from States or operators (i.e. New Zealand) implementing an FRMS for all operations. Nevertheless it is known that some operators rely on recognised high level scientific resources to monitor their FRMS.

Fatigue as a risk may or may not be identified under the Management System (part OR.GEN.200). When an operator has identified fatigue as a risk then the obvious countermeasure is to implement an FRMS. Operators that implement CS.FTL should not be required to implement FRMS.

Requiring FRMS for all operators will unduly increase costs to operators that implement CS.FTL and might give rise to a non effective and non harmonised FRMS for operators that do not have the resources to establish and maintain a good quality FRMS. The burden to the authority will also unduly increase.

Therefore it is proposed to amend the paragraph requiring a FRMS accordingly

comment

3308

comment by: cfdt france

Point 43 of NPA 2009 - 2A states ". The FRMS is a scientifically based, datadriven ongoing adaptive process that can identify fatigue risks and develop and evaluate mitigation strategies to manage any emerging operational risks. A FRMS is an integral part of an operator's established management system and should be based on a partnership approach between the operator, competent authority and crew member representatives. The FRMS gives the possibility to apply more flexibility in comparison with prescriptive FTL requirements. FRMS is based on "just culture" and therefore the related GM clarifies the role and responsibilities of operators

and crew members. In addition, it explains essential minimal FRMS components to be included as integral part of an operator's established management system and provides with the guidance to assure that fatigue risk management is implemented effectively and that regulatory oversight is performed in a reliable and verifiable documented manner."

**CFDT France Comment:**

*Individual & varied flight schemes can be approved by the authority as long as it*

*Does not create "fatigue risks" which are listed /enumerated in the FRMS ...*

*As most of the flight duty limitations and rest periods are CS material the CFDT feels that this leaves a lot of room for varying flight schemes which may compromise the safety of flights by introducing fatigue generating schemes. THE CFDT ASKS FOR FTL PROVISIONS TO BE IR and NOT CS MATERIAL*

*The CFDT asks how FATIGUE can be realistically measured by the FRMS.*

comment 3383 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

EASA went further than real meaning of ICAO FRMS proposal as it extended the original range of the FRMS wished by ICAO. Partially because of this, ICAO chose to discard its FRMS proposal and postpone this project by re-opening the working group. As a result EASA FRMS do not rely anymore on any legal basis.

**Proposal**

In the case that FRMS had to be implemented by operators, it should only done according to special/specific operations and not generalized to all operations. It should only be mandatory for operations deviating from the individual flight time limitation scheme.

**Justification**

Obvious

comment 3502 comment by: *IATA*

Attachment [#16](#)

file attached

comment 3541 comment by: *KLM Cityhopper*

**Comment:**

This is prescriptive overregulation which would lead to unjustified organizational costs for airlines whereas it does not take into account the fact that fatigue is one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system

for fatigue. FRMS should remain optional for those airlines that want to gain additional flexibility to operate for specific flights beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS.

**Proposal:**

Delete OR.OPS.325

comment 3846 comment by: *IACA International Air Carrier Association*  
Same comments as under OR.OPS.025.FTL

Should be deleted as this appears to be prescriptive overregulation which would lead to unjustified organisational costs for airlines. Fatigue is only one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should be part of SMS.

comment 3883 comment by: *Southern Cross International*

It is unclear who is responsible for determining the applicability of a FRMS and its various components. The type, size, and complexity of our operations would mean that majority of the listed components are most likely not applicable to our company.

comment 3899 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Same comments as under OR.OPS.025.FTL  
Should be deleted as this appears to be prescriptive overregulation which would lead to unjustified organisational costs for airlines. Fatigue is only one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should be part of SMS.

comment 3915 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Same comments as under OR.OPS.025.FTL  
Should be deleted as this appears to be prescriptive overregulation which would lead to unjustified organisational costs for airlines. Fatigue is only one input to an airline's safety management systems along other potential safety hazards. There should not be a separate management system for fatigue. FRMS should be part of SMS.

comment 4047 comment by: *ANE (Air Nostrum) OPS QM*

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserves the right to come back to EASA on Section VIII once the options issue has been settled. We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that the we would welcome Industry participation

<b>OR.OPS.330.FTL Flight time specification schemes</b>
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comment 384 comment by: *Condor Flugdienst GmbH - FRA HO/R*  
 We, Condor Fludienst GmbH, cannot properly comment to proposed ICAO FRMS document, as this will only be adopted late this year.

comment 397 comment by: *Ryanair*  
**OR.OPS.330.FTL (c)(3) – Flight Time Specification Schemes**  
**Comment**  
 This requirement takes no account of airlines which have made significant investment in scientific and technical evaluation of FTL Schemes and changes to these schemes.  
**Proposal**  
 (C)(3) "Include a detailed description of the Fatigue Risk Management System OR copy of details of the independent scientific evaluation carried out"

comment 494 comment by: *CityJet*  
**'(d) (2) Extended FDP (Split Duty) in accordance with OR.OPS.030.FTL'.** *(proposed - see comment # 493)*  
 This comment should precede items (d)(2) to (5) to rank the Extended FDP (Split Duty) as an important element of a planned roster system.  
 In turn, an additional sub-section is required to detail the parameters on which the 'Extended FDP (Split Duty)' shall be based. This is the subject of an additional comment.

comment 640 comment by: *easyjet safety*  
 (c) (6) Comment: It is the Operator's responsibility to establish a flight time specification scheme. The scheme is a safety document and requiring "consultation with the affected groups" is an industrial and contractual process.  
 Proposal: Delete.

comment 641 comment by: *easyjet safety*  
 (d) (5)  
 Comment: There appears to be no OR.OPS.055.FTL relating to Rest Periods.  
 Proposal: The operator shall establish rest requirements specifying the minimum rest period at home base and the minimum rest period away from home base together with recurrent extended recovery rest periods.

comment 702 comment by: *Civil Aviation Authority of Norway*  
 General comment:  
 The Norwegian Operators Widerøe and Lufttransport has been granted a

derogation in accordance with Regulation 3922/91, article 8(3) to operate with a different flight-time limitation scheme than the requirement in EU-OPS, OPS 1.1100, 1.1 (b). These derogations have been approved by EFTA after consultations with EASA. The procedure for such approval have been similar to the approval process of a flight time specification scheme (CS FTL) suggested in OR.OPS.330.FTL. The question is whether these derogations can be expected to be "grandfathered" as CS FTL under the new Part OR, Subpart OPS, or if the affected operators have to re-apply for the derogation to be accepted as a CS FTL.

In our opinion, the derogations with regard to EU-OPS, Subpart Q granted under article 8(3) in Regulation, should be allowed to be "grandfathered" into the new system.

comment 730

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1107

comment by: *AEA***Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. The AEA strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment 1108

comment by: *AEA***Relevant Text:**

(c) When applying for the approval of an individual flight time specification scheme, the operator shall demonstrate to the competent Authority compliance with the basic regulation and the associated implementing rules....

Such document shall:

...

(1) Include a detailed description of the fatigue risk management system

(2) ...

(3) Be supported by an assessment based on current scientific principles and knowledge.

**Comment:**

Para (c)(3) and (c)(5) should be deleted referring to earlier comments in relation to Fatigue Risk Management Schemes and the fact that all the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-OPS should be considered as approved based on the decades of safe operational experience.

**Proposal:**

Delete para (c) (3) and (c) (5) of OR.OPS.330,FTL.

If it is not deleted, than at least the word 'operational experience' should be added to (c) (5)

comment

1132

comment by: ECA - European Cockpit Association

Comment on OR.OPS.330.FTL (c) :

(3) include a detailed description of the fatigue risk management system, **including of all essential components of and basic requirements for an FRMS, as described in GM O R.OPS.325, as well as evidence of its effective implementation;**

## Justification:

Before a national authority - and EASA - approves an individual scheme, there must be proven that

1. the FRMS is actually implemented (and does not only exist on paper)
2. that the FRMS contains the essential components of and meets the basic requirements for an FRMS. It is crucial to have this reference in the Implementing Rules, as the current EASA proposal delegates all the details of FRMS to GM status. The GM status opens the door for operators to cherry-pick what they want, especially as the guidelines stress that an FRMS is to be tailored to the type, size and complexity of the operation (which could be abused by operators to pick and chose).

comment

1133

comment by: ECA - European Cockpit Association

Comment on OR.OPS.330.FTL (c): change as follows:

(4) include a risk assessment, **including a hazard an alysis a nd risk management log;**

## Justification:

To be consistent with ICAO SMS procedures and requirements, and to ensure the (safety) risk assessment is sound and usable for the purpose of a variation/individual FTL scheme, it is recommended to specify that such a risk assessment includes a hazard analysis and risk management log.

To provide a record of identified safety risks and the actions taken by nominated individuals at the operator. The record should be retained permanently in the "safety library" in order to provide evidence of safety risk management and to provide a reference for future risk assessments.

Having identified and ranked the safety risks, any existing defences against them can be identified and assessed for adequacy. All actions must be addressed by a specified individual.

comment

1134

comment by: ECA - European Cockpit Association

Comment on OR.OPS.330.FTL (c): change as follows:

(5) be supported by an assessment based on ~~current~~**latest** scientific principles, **evidence** and knowledge, **and which shall be open to the public for review by stakeholders**; and

Justification:

The wording should be as close to BR Art. 22(2)a), i.e. "latest" and "evidence" should be added. Experience with derogations has shown so far, that operators using scientific assessments may have an unhealthy influence on the assessments results, being the one who pays for such an assessment. In the UK, any scientific studies undertaken are open to stakeholder and peer review. Only if the scientific studies/assessments are made public and can be commented upon, we can make sure that "science for sale" does not support dodgy applications / schemes. A similar provision should be made in the related ARs.

comment 1135

comment by: ECA - European Cockpit Association

Comment on OR.OPS.330.FTL (c): change as follows:

(6) include details **and documentation** regarding **meaningful** consultation with the affected **groups stakeholders, in particular crew member representatives whose observations on the the individual scheme shall be documented in detail, including contact details of the relevant representatives.**

Justification:

This proposed provision does not state that stakeholders / interested parties have to be consulted on such individual schemes. However, these stakeholders, and in particular crew representatives who know the operations from inside, will often be the ones best placed to detect negative safety implications of elements of the proposed scheme. Such observations must be made available to the authority - and subsequently to EASA - to ensure the approval takes all aspects into account.

This is an important element guaranteeing that operators/NAA do not propose problematic schemes. It helps to ensure good quality of the application for an individual scheme, making it easier for the Authority and EASA to assess the scheme.

Apart from that, consultation of "interested parties" is required under Subpart Q 1.1090, 5.1.1. This is a legally binding requirement under Subpart Q. BR Art. 22(2)a) states that the FTL-related EASA implementing rules "shall include all substantive provisions of Subpart Q". Hence, this substantial requirement needs to be reflected in OR.OPS.330.FTL (c) (6).

comment 1137

comment by: ECA - European Cockpit Association

Comment on OR.OPS.330.FTL(d):

Add provisions as per Moebus study answers to questions 3, 15 and 16. Moreover, essential elements are missing to regulate augmented crew operations.

Justification:

Without more detailed rules on this issue many long range flights could not be operated. Further answers need to be found to the following questions raised through the scientific evaluation:

**Question 3**

*The use of rostered extensions including the mitigation measures (ref EU OPS 1.1105 para 2)*

*Strong recommendation to remove those provisions*

**Question 15**

*What provisions are needed for the calculation of maximum FDP and minimum post duty rest when called out from other forms of standby. (ref EU OPS 1.1125 para 2.1.4)*

**Question 16**

*What guidelines are needed for the counting of standby times for cumulative duty hours?*

*(ref EU OPS 1.1125 para 2.1.5)*

comment

1569

comment by: *British Airways*

As we are awaiting further definition from ICAO please remove items (3), (4), (5) & (6) from paragraph (c) as they all refer to Fatigue Risk Management.

comment

1611

comment by: *TAP Portugal*

**Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. The AEA strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

1613

comment by: *TAP Portugal*

**Relevant Text:**

(c) When applying for the approval of an individual flight time specification scheme, the operator shall demonstrate to the competent Authority compliance with the basic regulation and the associated implementing rules....

Such document shall:

...

- (1) Include a detailed description of the fatigue risk management system
- (2) ...
- (3) Be supported by an assessment based on current scientific principles and knowledge.

**Comment:**

Para (c)(3) and (c)(5) should be deleted referring to earlier comments in relation to Fatigue Risk Management Schemes and the fact that all the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-

OPS should be considered as approved based on the decades of safe operational experience.

**Proposal:**

Delete para (c) (3) and (c) (5) of OR.OPS.330,FTL.

If it is not deleted, than at least the word 'operational experience' should be added to (c) (5)

comment 1748

comment by: Jill Pelan

**OPS 330 FTL**

**(5) The "current scientific principles & Knowledge" must be elaborated upon in a CS - this remains a vague principle for the CFDT France. What will be admitted as "knowledge"?**

(6) "affected groups"

**The CFDT & ETF Cabin crew ask for affected groups to include the workers & their representative bodies.**

comment 1774

comment by: Sean Butler, bmi

**Page: 29 Section: OR.OPS.330 FTL Flight Time Specification Schemes and OR.OPS.335.FDP**

Relevant Text: Entire paragraph of OR.OPS.330 and OR.OPS.335

Comment: EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. Bmi strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations or have specific national schemes viewed as an acceptable means of compliance) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules.

This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

Proposal: Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules

comment 1775

comment by: Sean Butler, bmi

**Page: 29 Section: OR.OPS.330 FTL Flight Time Specification Schemes**

Relevant Text: (c) When applying for the approval of an individual flight time specification scheme, the operator shall demonstrate to the competent Authority compliance with the basic regulation and the associated implementing rules....

Such document shall:

...

(1) Include a detailed description of the fatigue risk management system

(2) ...

(3) Be supported by an assessment based on current scientific principles and knowledge

Comment: Para (c)(3) and (c)(5) should be deleted referring to earlier

comments in relation to Fatigue Risk Management Schemes.

All the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-OPS or have been deemed a suitable means of compliance should be considered as approved based on the decades of safe operational experience

Delete para (c) (3) and (c) (5) of OR.OPS.330,FTL

If it is not deleted, than at least the word 'operational experience' should be added to (c) (5)

comment 1810

comment by: KLM

Relevant Text: Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:** EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. The AEA strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16<sup>th</sup> July 2008.

**Proposal:** Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment 1811

comment by: KLM

Relevant Text: (c) When applying for the approval of an individual flight time specification scheme, the operator shall demonstrate to the competent Authority compliance with the basic regulation and the associated implementing rules....

Such document shall:

...

- (1) Include a detailed description of the fatigue risk management system
- (2) ...
- (3) Be supported by an assessment based on current scientific principles and knowledge

**Comment:**

Para (c)(3) and (c)(5) should be deleted referring to earlier comments in relation to Fatigue Risk Management Schemes and the fact that all the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-OPS should be considered as approved based on the decades of safe operational experience.

**Proposal:**

Delete para (c) (3) and (c) (5) of OR.OPS.330,FTL

If it is not deleted, than at least the word 'operational experience' should be added to (c) (5)

comment

2124

comment by: *AUSTRIAN Airlines***Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. AUSTRIAN strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

2126

comment by: *AUSTRIAN Airlines***Relevant Text:**

(c) When applying for the approval of an individual flight time specification scheme, the operator shall demonstrate to the competent Authority compliance with the basic regulation and the associated implementing rules....

Such document shall:

...

(1) Include a detailed description of the fatigue risk management system

(2) ...

(3) Be supported by an assessment based on current scientific principles and knowledge.

**Comment:**

Para (c)(3) and (c)(5) should be deleted referring to earlier comments in relation to Fatigue Risk Management Schemes and the fact that all the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-OPS should be considered as approved based on the decades of safe operational experience.

**Proposal:**

Delete para (c) (3) and (c) (5) of OR.OPS.330,FTL.

If it is not deleted, than at least the word 'operational experience' should be added to (c) (5)

comment

2204

comment by: *M Wilson-NetJets***Original text:**

(d) The individual flight time specification scheme described in (c) shall contain a roster system for all crew members, including the following elements:

**Suggested new text:**

(d) The individual flight time specification scheme described in (c) shall contain a duty assignment system for all crew members, including the following elements:

**Comment/suggestion:**

Paragraph talks about a roster system which indicates that all duty must be specified in advance. Many operations may assign duty on a adhoc basis and therefore the term should be "duty assignment system"

comment

2604

comment by: *Deutsche Lufthansa AG***Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have a taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. Lufthansa strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

2606

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(c) When applying for the approval of an individual flight time specification scheme, the operator shall demonstrate to the competent Authority compliance with the basic regulation and the associated implementing rules....

Such document shall:

...

(1) Include a detailed description of the fatigue risk management system

(2) ...

(3) Be supported by an assessment based on current scientific principles and knowledge.

**Comment:**

Para (c)(3) and (c)(5) should be deleted referring to earlier comments in relation to Fatigue Risk Management Schemes and the fact that all the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-OPS should be considered as approved based on the decades of safe operational experience.

**Proposal:**

Delete para (c) (3) and (c) (5) of OR.OPS.330,FTL.

If it is not deleted, than at least the word 'operational experience' should be added to (c) (5)

comment

2778

comment by: *Civil Aviation Authority of Norway*

Comment to subsection (d) (5): The reference to OR.OPS.055 should be removed since this OPS does not exist.

comment

2813

comment by: *BALPA*

Section (c3) - Agreed that this is an essential commitment by an operator seeking such a scheme.

Section (c5) - Who will agree the scientific principles? As an example, the Moebus Scientific Review is still awaiting ratification and implementation, so whilst this is an excellent proposal, we question the process to be used to apply this practice.

Section (c6) - We welcome the transparency proposed in this area which will include crew members in any specification schemes an operator wishes to implement.

comment

2967

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. The AEA strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

2969

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(c) When applying for the approval of an individual flight time specification scheme, the operator shall demonstrate to the competent Authority compliance with the basic regulation and the associated implementing rules...

Such document shall:

...

(1) Include a detailed description of the fatigue risk management system

(2) ...

(3) Be supported by an assessment based on current scientific principles and knowledge.

**Comment:**

Para (c)(3) and (c)(5) should be deleted referring to earlier comments in relation to Fatigue Risk Management Schemes and the fact that all the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-OPS should be considered as approved based on the decades of safe operational experience.

**Proposal:**

Delete para (c) (3) and (c) (5) of OR.OPS.330,FTL.

If it is not deleted, than at least the word 'operational experience' should be added to (c) (5)

comment

3164

comment by: *DGAC*

**(d)(5)** : There is a mention to an "OR.OPS.055.FTL" which does not exist. Besides there misses a paragraph carrying a provision equivalent to item 3.5 of EU-OPS 1.1090 :

*3.5. Operators shall ensure that rest periods provide sufficient time to enable crew to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.*

This was may be the intention of the drafter to have such provision in OR.OPS.055 FTL.

comment

3165

comment by: DGAC

**New (e) and (f) :**

**Proposal:** Amend the paragraph by adding two new items, (e) and (f) as follows :

"(e) To implement an individual flight time specification scheme described in (c), commercial operators shall establish, implement and maintain an FRMS as an integral part of its management system.

(f) The individual flight time specification scheme described in (c) shall deviate from CS.FTL only in respect to ultra long range flights, reduced rests and split duty specifications."

**Justification:** see comments on OR.OPS.025 and OR.OPS.325:

*"DGAC contributed to the development of FRMS through its participation in the ICAO Fatigue Risk Management Sub-Group (FRMSG) of the OPS panel. It was the group consensus that FRMS should be implemented by educated operators only. Because of the complexity of the scientific knowledge and analysis methodologies required (as noted in the proposed OR.OPS), FRMS should be implemented for specific issues (e.g. ultra long range flights).*

*Therefore we strongly recommend limiting FRMS to operators that need a flexible roster for a limited number of cases, i.e. ultra long range, reduced rests, and/or slip duty. The existing FRMS that have been scientifically validated are focused on specific issues (ULR, specific schedule, reduced rests or split duty). There is no scientific feedback from States or operators (i.e. New Zealand) implementing an FRMS for all operations. Nevertheless it is known that some operators rely on recognised high level scientific resources to monitor their FRMS.*

*Fatigue as a risk may or may not be identified under the Management System (part OR.GEN.200). When an operator has identified fatigue as a risk then the obvious countermeasure is to implement an FRMS. Operators that implement CS.FTL should not be required to implement FRMS.*

*Requiring FRMS for all operators will unduly increase costs to operators that implement CS.FTL and might give rise to a non effective and non harmonised FRMS for operators that do not have the resources to establish and maintain a good quality FRMS. The burden to the authority will also unduly increase."*

*Therefore it is proposed to amend the paragraph requiring a FRMS accordingly.*

comment

3202

comment by: Virgin Atlantic Airways

**Relevant Text:**

(d).. (5) Rest periods in accordance with OR.OPS.055.FTL and OR.OPS.355.FTL

**Comment:**

OR.OPS.055.FTL does not exist in NPA 2009-02c

**Proposal:**

Include missing item and circulate to all stakeholders for consideration/feedback

comment

3311

comment by: *cfdt france*

**OPS 330 FTL**

**(5) The "current scientific principles & Knowledge" must be elaborated upon in a CS - this remains a vague principle for the CFDT France. What will be admitted as "knowledge"?**

(6) "affected groups"

**The CFDT & ETF Cabin crew ask for affected groups to include the workers & their representative bodies**

comment

3423

comment by: *ECA - European Cockpit Association*

Comment on paragraph (d)(5):

Reference is made to OR.OPS.055.FTL but the chapter is missing.

comment

3542

comment by: *KLM Cityhopper*

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. We strongly object to this and believe that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

3554

comment by: *KLM Cityhopper*

**Comment:**

Para (c)(3) and (c)(5) should be deleted referring to earlier comments in relation to Fatigue Risk Management Schemes and the fact that all the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-OPS should be considered as approved based on the decades of safe operational experience.

**Proposal:**

Delete para (c) (3) and (c) (5) of OR.OPS.330,FTL.

If it is not deleted, then at least the word 'operational experience' should be added to (c) (5)

- comment 3628 comment by: *ALFA-HELICOPTER, spol. s r.o.*
- Currently, there are legal regulations for HEMS operations which reflect the character of these operations and the actual realities and frequency of HEMS crew's flights and duty patterns. The minimum rest period for HEMS operations is set to 9 hours between flight duties, of which there is a minimum period of 8 hours sleep in a separate room provided. The pilot also has the possibility to rest in the provided sleeping area during the flight duty period. The maximum duty period is set to 15 hours (including at least 15 minutes for pre-flight preparation and at least 30 minutes for post-flight activity). This HEMS flight duty system is fully accepted by the Czech CAA.
- comment 3649 comment by: *AIR FRANCE*
- Relevant Text:  
 (c) When applying for the approval of an individual flight time specification scheme, the operator shall demonstrate to the competent Authority compliance with the basic regulation and the associated implementing rules....  
 Such document shall:  
 ...  
 (1) Include a detailed description of the fatigue risk management system  
 (2) ...  
 (3) Be supported by an assessment based on current scientific principles and knowledge.  
 Comment:  
 Para (c)(3) and (c)(5) should be deleted referring to earlier comments in relation to Fatigue Risk Management System and the fact that all the existing individual FTL schemes which are within the boundaries of Subpart Q of EU-OPS should be considered as approved based on the decades of safe operational experience.  
 Proposal:  
 Delete para (c) (3) and ADD to (c) (5) "operational experience"
- comment 3885 comment by: *Southern Cross International*
- Due to the type of operations of our company (test and ferry flights), their infrequent nature and taking into consideration the wide variety of aircraft operated by our company, the different equipment fits for each of those aircraft, the extreme short period of time those aircraft are operated, and the fact that the majority of our crews are employed on a contract per flight basis, the time, effort and cost involved in establishing, implementing, and maintaining a flight time specification scheme meeting the requirements as laid out in paragraphs (b), (c), and (d), are prohibitive.
- comment 4046 comment by: *ANE (Air Nostrum) OPS QM*
- Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserves the right to come back to EASA on Section VIII once the options issue has been settled. We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that the we would welcome Industry participation

comment 4066

comment by: Tyrolean Airways

**OR.OPS.330.FTL Flight time specification schemes**(6) include details regarding consultation with the affected groups.

There should be a clearer statement, what the term "consultation" means; There will be pressure from unions and similar group to actually draw a veto from this paragraph. A clear ruling should be the goal.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 3 -  
 OR.OPS.335.FTL Flight Duty Period (FDP)**

p. 29-30

comment 398

comment by: Ryanair

**OR.OPS.335.FTL (c) – Flight Duty Period****Comment**

To support the contention in the definitions of WOCL in this submission add '*operator approved*' to the WOCL reference

**Proposal**

Reductions in the maximum daily FDP when this maximum would start, end or encompass the *operator approved* window of circadian low.

**OR.OPS.335.FTL (d)(5) – Flight Duty Period (FDP)****Comment**

In the definition of the flight time specification scheme there is a requirement to specify 'off-duty' periods on the ground during a single FDP. This would appear to be a typographical error

**Proposal**

(5) Periods *of* duty on ground during a single FDP

**OR.OPS.335.FTL (d)(6) – Flight Duty Period****Comment**

The inclusion of the undefined phrase of 'in-flight break' implies a requirement for at least two separate 'breaks' within a single FDP. 'In-flight breaks' are adequately addressed under OR.OPS.015.FTL (i) – meal and drink opportunity.

**Proposal**

DELETE

**Proposed new requirement OR.OPS.335.FTL (f) Flight Duty Periods****Comment**

Currently the draft requirements make no provision for a split duty, primarily used by operators to recover an aircraft to base.

**Proposal**

Flight time specification schemes for commercial operators shall specify the following FDP elements where applicable to the type of operation:

- (f) Rest requirements and maximum extension of an FDP when operating a split duty

comment 495

comment by: CityJet

**'OR.OPS.340.FTL Extended Duty (Split Duty)**

**Flight time specification schemes for commercial operators shall specify the following Extended Duty (Split Duty) elements, where applicable to the type of operation:**

- (a) The maximum and minimum periods of consecutive rest which may be allowed for a duty to qualify as an Extended Duty, and the criteria to calculate the maximum extension allowed;**  
**(b) The maximum flight duty period (FDP) allowed before and after the break;**  
**(c) The maximum number of sectors that may be operated before and after the break;**  
**(d) The method of calculating the total duty time generated by the Extended FDP to ensure an adequate rest period following the duty, and also for the calculation of cumulative rest;**  
**(e) The requirement for the provision of adequate rest facilities and/or suitable accommodation during the break;**  
**(f) The definition of the time allowed for immediate post-flight and pre-flight duties in the course of the Extended Duty'.**

comment 675

comment by: easyjet safety

(c)

Comment: Textual clarification

Proposal: "when this maximum would start within, end within or encompass...."

(d) (5)

Comment: Presumably this provision allows for the concept of split duty but nevertheless requires further clarification

Proposal: Amend to read: "Time spent off duty on the ground during a single FDP where two or more sectors are separated by less than a minimum rest period."

comment 731

comment by: Luftfahrt-Bundesamt

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their

colleagues in larger aircraft.  
Justification: see LBA - General Comment, reasons 1 and 2

comment 1107

comment by: AEA

**Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. The AEA strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment 1109

comment by: AEA

**Relevant Text:**

(d) conditions for extension of the maximum daily FDP taking into account...

**Comment:**

The possibility for FDP extension based on split duty (break) should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance..

**Proposal:**

(5): periods off duty on ground during a single FDP (split-duty);

comment 1139

comment by: ECA - European Cockpit Association

Comment on OR.OPS.335.FTL(d):

Further legal provisions need to be developed based on the questions raised and answers given by the Moebus Study (see below):

**Question 11**

*What provisions are needed for extend FDP operations with augmented crew and/or time zone crossings? (ref EU OPS 1.1115 para 1.1)*

Answer:

Setting additional restrictions related to augmented crew in respect to the maximum FDP with augmented crew i.e. taking into account quality of the bunk facilities and the effect of crew acclimatization (e.g. FDP may be extended by a period equal to three-quarters of the total rest taken, if in-flight relief and adequate bunk facilities are provided; or equal to half of the total rest taken if the aircrew is not acclimatized).

**Question 12**

*quality of rest regarding rest location/ rest facilities for flight crew and cabin crew (ref EU OPS 1.1115 para 1.1 and 1.2)*

Answer:

Not allowing extensions of the FDP in case of rest in economy class seats.

**Question 6**

*Which detailed provisions and guidelines are needed within Subpart Q regarding split duty? (ref EU OPS 1.1105 para 6)*

Answer:

There are no scientific studies on the impact of split duty and further studies are required. Nevertheless it is recommended to set additional restrictions:

1. The break between two sub-duties should be at least one third of the length of the total flight duty period
2. Adequate sleeping facilities must be provided by the operator if the break does not take place where the crew lives
3. total flight duty period of a split duty should never start before 6:00 or end after 22:00
4. In the case of consecutive split duties, the total FDP of a split duty should never be extended beyond 14 hours in order to allow an absolute minimum of 10 hours daily rest
5. Consecutive split duties with reduced daily rest time must be accompanied by an FRMS that includes training of crews and reporting systems

Further comment:

So far there are no detailed provisions / rules on the operation with augmented crews. However, appropriate requirements and guidelines must be drafted and should regard the SARPs established in **ICAO Annex 6** and the scientific findings as for example found in: TNO-V 2007C363 "Extension of flying duty period by in-flight relief" or Simons M & Spencer M, 2007

So far there are no provisions / rules on the operation of ULR.

So far there are no provisions / rules on the scheduling of split duty.

As a consequence without any such rules in place the mentioned type of operation could not be operated beyond the day this regulation becomes effective.

comment

1140

comment by: ECA - European Cockpit Association

Comment on OR.OPS.335.FTL(e): add as follows:

(e) Conditions under which the FDP, flight times and duty periods may be exceeded or rest periods may be reduced by the pilot-in-command after consultation with all crew members, in the case of unforeseen circumstances in actual flight operations after the reporting time, and the procedures used to report these modifications; **any reduced rest of less than 12 hours shall include the entire WOCL.**

Justification:

Scientific evaluation recommends that any reduced rest of less than 12h should include the entire WOCL.

comment

1203

comment by: Sven Freisenich

FDP (d) (6)

Interpretation unclear: split duty break ? meal break ? in-flight rest break ?  
Reword (6) as "the minimum of in-flight **rest** allocated to each crew member;"

comment

1435

comment by: *Unionen/Sweden*

A definition of FDP (Flight Duty Period) that includes disembarking and other safety related tasks after the last passenger has left the aircraft.

*OR.OPS.205.CC defines number and composition of cabin crew. Disembarking is considered a safety related task by EASA and should therefore be accounted for as fatigue relevant and be included in the FDP. A prescribed amount of time according to seat number and configuration of the operated aircraft should be added to the block time and be part of the FDP.*

comment

1573

comment by: *British Airways*

(d) (7) Requires further clarification and information regarding this item.

(e) Replace existing statement with '*Conditions under which the FDP, flight times and duty periods may be exceeded or rest periods may be reduced by the pilot-in-command, at his sole discretion, after taking note of the circumstances of other members of his crew, in the case of unforeseen circumstances in actual flight operations after the reporting time, and the procedures used to report these modifications*'

It is the commanders responsibility to act on behalf of the whole crew having taken into account their individual circumstances.

comment

1615

comment by: *TAP Portugal*

**Relevant Text:**

(d) conditions for extension of the maximum daily FDP taking into account....

**Comment:**

The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance..

**Proposal:**

Add (d)(8) break (split duty)

comment

1746

comment by: *Jill Pelan*

**OR.OPS.335.FTL Flight Duty Period (FDP)**

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

~~(a) Maximum basic daily FDP;~~

~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~

~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~

~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:~~

~~(1) the number of sectors flown;~~

~~(2) FDPs within the WOCL;~~

~~(3) a maximum number of extensions for a consecutive number of days;~~

~~(4) increased pre and post flight minimum rest periods;~~

~~(5) periods off duty on ground during a single FDP;~~

- ~~(6) the minimum of in-flight break allocated to each crew member; and  
(7) the augmentation of the basic flight crew~~

**THE CF DT France asks for Replacement by :** Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic daily FDP of 13 hours;  
 (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown (*These 13 hours will be reduced by 30 minutes for each sector after the first.*);  
 (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) *with a maximum FDP of 10 hours for FDPs that encompass the WOCL.*;  
 (d) Conditions for extensions of the maximum basic daily FDP, taking into account:  
 (1) the number of sectors flown;  
 (2) FDPs within the WOCL;  
 (3) a maximum number of extensions for a consecutive number of days;  
 (4) increased pre and post flight minimum rest periods;  
 (5) periods off duty on ground during a single FDP;  
 (6) the minimum of in-flight break allocated to each crew member  
 (7) the augmentation of the basic flight crew; *and*  
 (8) *the augmentation of the basic cabin crew*

**Reason:** The BR Art. 22 2. (a) states that IR shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

comment

1776

comment by: Sean Butler, bmi

Page: 29 **Section:** OR.OPS.335.Flight Duty Period (FDP)

Relevant Text: (d) conditions for extension of the maximum daily FDP taking into account....

**Comment:** The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the

Certification Specifications and building on the existing provisions used for EU-OPS compliance..

**Proposal:** Add (d)(8) break (split duty)

comment

1812

comment by: KLM

Relevant Text: (d) conditions for extension of the maximum daily FDP taking into account...

**Comment:** The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance..

**Proposal:** Add (d)(8) break (split duty)

comment

1870

comment by: Gordana BOBERIC

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

- ~~(a) Maximum basic daily FDP;~~
- ~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~
- ~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~
- ~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:
 
  - ~~(1) the number of sectors flown;~~
  - ~~(2) FDPs within the WOCL;~~
  - ~~(3) a maximum number of extensions for a consecutive number of days;~~
  - ~~(4) increased pre and post flight minimum rest periods;~~
  - ~~(5) periods off duty on ground during a single FDP;~~
  - ~~(6) the minimum of in-flight break allocated to each crew member; and~~
  - ~~(7) the augmentation of the basic flight crew~~~~

Replace: Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic daily FDP *of 13 hours;*
- (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown *(These 13 hours will be reduced by 30 minutes for each sector after the first.);*
- (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) *with a maximum FDP of 10 hours for FDPs that encompass the WOCL.;*
- (d) Conditions for extensions of the maximum basic daily FDP, taking into account:
  - (1) the number of sectors flown;
  - (2) FDPs within the WOCL;
  - (3) a maximum number of extensions for a consecutive number of days;
  - (4) increased pre and post flight minimum rest periods;
  - (5) periods off duty on ground during a single FDP;
  - (6) the minimum of in-flight break allocated to each crew member
  - (7) the augmentation of the basic flight crew; *and*
  - (8) *the augmentation of the basic cabin crew*

Reason: The BR Art. 22 2. (a) states that IR shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes

more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours. Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

comment

1942

comment by: FSC - CCOO

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

- ~~(a) Maximum basic daily FDP;~~
- ~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~
- ~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~
- ~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:~~
  - ~~(1) the number of sectors flown;~~
  - ~~(2) FDPs within the WOCL;~~
  - ~~(3) a maximum number of extensions for a consecutive number of days;~~
  - ~~(4) increased pre and post flight minimum rest periods;~~
  - ~~(5) periods off duty on ground during a single FDP;~~
  - ~~(6) the minimum of in-flight break allocated to each crew member; and~~
  - ~~(7) the augmentation of the basic flight crew~~

Replace: Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic daily FDP of 13 hours;
- (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown (*These 13 hours will be reduced by 30 minutes for each sector after the first.*);
- (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) *with a maximum FDP of 10 hours for FDPs that encompass the WOCL.*;
- (d) Conditions for extensions of the maximum basic daily FDP, taking into account:
  - (1) the number of sectors flown;
  - (2) FDPs within the WOCL;
  - (3) a maximum number of extensions for a consecutive number of days;
  - (4) increased pre and post flight minimum rest periods;
  - (5) periods off duty on ground during a single FDP;
  - (6) the minimum of in-flight break allocated to each crew member
  - (7) the augmentation of the basic flight crew; *and*
  - (8) *the augmentation of the basic cabin crew*

Reason: Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours. Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

The BR Art. 22 2. (a) states that IR shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and

should therefore be reflected in the IR.

comment

2124 comment by: *AUSTRIAN Airlines***Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. AUSTRIAN strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

2127

comment by: *AUSTRIAN Airlines***Relevant Text:**

(d) conditions for extension of the maximum daily FDP taking into account...

**Comment:**

The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance..

**Proposal:**

Add (d)(8) break (split duty)

comment

2280

comment by: *kapers Cabin Crew Union*

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

~~(a) Maximum basic daily FDP;~~

~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~

~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~

~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:~~

~~(1) the number of sectors flown;~~

~~(2) FDPs within the WOCL;~~

~~(3) a maximum number of extensions for a consecutive number of days;~~

~~(4) increased pre and post flight minimum rest periods;~~

~~(5) periods off duty on ground during a single FDP;~~

~~(6) the minimum of in-flight break allocated to each crew member; and~~

~~(7) the augmentation of the basic flight crew~~

Replace: Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

(a) Maximum basic daily FDP of 13 hours;

(b) Reductions of the maximum basic daily FDP dependent on the number of

sectors flown (*These 13 hours will be reduced by 30 minutes for each sector after the first.*);

(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) *with a maximum FDP of 10 hours for FDPs that encompass the WOCL.*;

(d) Conditions for extensions of the maximum basic daily FDP, taking into account:

- (1) the number of sectors flown;
- (2) FDPs within the WOCL;
- (3) a maximum number of extensions for a consecutive number of days;
- (4) increased pre and post flight minimum rest periods;
- (5) periods off duty on ground during a single FDP;
- (6) the minimum of in-flight break allocated to each crew member
- (7) the augmentation of the basic flight crew; *and*
- (8) *the augmentation of the basic cabin crew*

Reason: Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours. Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

The BR Art. 22 2. (a) states that IR shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

comment 2424

comment by: KLM

**Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. The AEA strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level – should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment 2604

comment by: Deutsche Lufthansa AG

**Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. Lufthansa strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which

provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment 2607

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(d) conditions for extension of the maximum daily FDP taking into account....

**Comment:**

The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance..

**Proposal:**

Add (d)(8) break (split duty)

comment 2779

comment by: *Civil Aviation Authority of Norway*

Comment to subsection (d)(7): A definition should be made for "basic flight crew".

comment 2816

comment by: *BALPA*

We believe there should be a section (f) that would detail the extension of an FDP through the use of in-flight rest. This is not shown within this section and request that this is published so a response can be made.

comment 2948

comment by: *Gregor Rozina*

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

~~(a) Maximum basic daily FDP;~~

~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~

~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~

~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:~~

~~(1) the number of sectors flown;~~

~~(2) FDPs within the WOCL;~~

~~(3) a maximum number of extensions for a consecutive number of days;~~

~~(4) increased pre and post flight minimum rest periods;~~

~~(5) periods off duty on ground during a single FDP;~~

~~(6) the minimum of in-flight break allocated to each crew member; and~~

~~(7) the augmentation of the basic flight crew~~

Replace: Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

(a) Maximum basic daily FDP of 13 hours;

(b) Reductions of the maximum basic daily FDP dependent on the number of

sectors flown (*These 13 hours will be reduced by 30 minutes for each sector after the first.*);

(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) *with a maximum FDP of 10 hours for FDPs that encompass the WOCL.*;

(d) Conditions for extensions of the maximum basic daily FDP, taking into account:

- (1) the number of sectors flown;
- (2) FDPs within the WOCL;
- (3) a maximum number of extensions for a consecutive number of days;
- (4) increased pre and post flight minimum rest periods;
- (5) periods off duty on ground during a single FDP;
- (6) the minimum of in-flight break allocated to each crew member
- (7) the augmentation of the basic flight crew; *and*
- (8) *the augmentation of the basic cabin crew*

Reason: The BR Art. 22 2. (a) states that IR shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

comment

2968

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. The AEA strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a minimum level of harmonization at EU level – should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

2971

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

(d) conditions for extension of the maximum daily FDP taking into account....

**Comment:**

The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance..

**Proposal:**

Add (d)(8) break (split duty)

comment

3050

comment by: UCC SLO

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

- ~~(a) Maximum basic daily FDP;~~
- ~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~
- ~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~
- ~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:
 
  - ~~(1) the number of sectors flown;~~
  - ~~(2) FDPs within the WOCL;~~
  - ~~(3) a maximum number of extensions for a consecutive number of days;~~
  - ~~(4) increased pre and post flight minimum rest periods;~~
  - ~~(5) periods off duty on ground during a single FDP;~~
  - ~~(6) the minimum of in-flight break allocated to each crew member; and~~
  - ~~(7) the augmentation of the basic flight crew~~~~

Replace: Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic daily FDP of 13 hours;
- (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown (*These 13 hours will be reduced by 30 minutes for each sector after the first.*);
- (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) *with a maximum FDP of 10 hours for FDPs that encompass the WOCL.*;
- (d) Conditions for extensions of the maximum basic daily FDP, taking into account:
  - (1) the number of sectors flown;
  - (2) FDPs within the WOCL;
  - (3) a maximum number of extensions for a consecutive number of days;
  - (4) increased pre and post flight minimum rest periods;
  - (5) periods off duty on ground during a single FDP;
  - (6) the minimum of in-flight break allocated to each crew member
  - (7) the augmentation of the basic flight crew; *and*
  - (8) *the augmentation of the basic cabin crew*

Reason: The BR Art. 22 2. (a) states that IR shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

comment

3204

comment by: Virgin Atlantic Airways

**Relevant Text:**

OR.OPS.335.FTL Flight Duty Period (FDP)

Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic daily FDP;
- (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;
- (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);
- (d) Conditions for extensions of the maximum basic daily FDP, taking into account:

**Comment:**

Text seems to have been written for short/medium haul operation as the word 'daily' has no relevance for long haul operations in terms of prescribing FDP. Including the word daily is confusing and could potentially lead to errors in interpretation as FDP can cross over different days.

**Proposed Text:**

Remove the word 'daily' and replace text as follows:

Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic FDP;
- (b) Reductions of the maximum basic FDP dependent on the number of sectors flown;
- (c) Reductions of the maximum basic FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);
- (d) Conditions for extensions of the maximum basic FDP, taking into account:

comment

3210

comment by: *Virgin Atlantic Airways***Relevant Text:**

(d) conditions for extension of the maximum daily FDP taking into account.

**Comment:**

The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance.

**Proposed Text:**

Add (d)(8) break (split duty)

comment

3287

comment by: *cfdt france*

**OR.OPS.335.FTL Flight Duty Period (FDP)**

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

- ~~(a) Maximum basic daily FDP;~~
- ~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~
- ~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~
- ~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:
 
  - ~~(1) the number of sectors flown;~~
  - ~~(2) FDPs within the WOCL;~~
  - ~~(3) a maximum number of extensions for a consecutive number of days;~~
  - ~~(4) increased pre and post flight minimum rest periods;~~
  - ~~(5) periods off duty on ground during a single FDP;~~
  - ~~(6) the minimum of in-flight break allocated to each crew member; and~~
  - ~~(7) the augmentation of the basic flight crew~~~~

**Replace:** Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic daily FDP of 13 hours;**
- (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown (These 13 hours will be reduced by 30 minutes for each sector after the first.);**
- (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) with a maximum FDP of 10 hours for FDPs that encompass the WOCL;**
- (d) Conditions for extensions of the maximum basic daily FDP, taking into account:
 
  - (1) the number of sectors flown;**
  - (2) FDPs within the WOCL;**
  - (3) a maximum number of extensions for a consecutive number of days;**
  - (4) increased pre and post flight minimum rest periods;**
  - (5) periods off duty on ground during a single FDP;**
  - (6) the minimum of in-flight break allocated to each crew member**
  - (7) the augmentation of the basic flight crew; and**
  - (8) the augmentation of the basic cabin crew****

**Reason:** The B R Art. 22 2. (a) states that I R shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

comment 3314

comment by: cfdt france

**OR.OPS.335.FTL Flight Duty Period (FDP)**

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

- ~~(a) Maximum basic daily FDP;~~
- ~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~
- ~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~
- ~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:
 
  - ~~(1) the number of sectors flown;~~
  - ~~(2) FDPs within the WOCL;~~
  - ~~(3) a maximum number of extensions for a consecutive number of days;~~
  - ~~(4) increased pre and post flight minimum rest periods;~~
  - ~~(5) periods off duty on ground during a single FDP;~~
  - ~~(6) the minimum of in-flight break allocated to each crew member; and~~
  - ~~(7) the augmentation of the basic flight crew~~~~

**THE CF DT France asks for Replacement by** : Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic daily FDP of 13 hours;
- (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown (*These 13 hours will be reduced by 30 minutes for each sector after the first.*);
- (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) *with a maximum FDP of 10 hours for FDPs that encompass the WOCL.*;
- (d) Conditions for extensions of the maximum basic daily FDP, taking into account:
  - (1) the number of sectors flown;
  - (2) FDPs within the WOCL;
  - (3) a maximum number of extensions for a consecutive number of days;
  - (4) increased pre and post flight minimum rest periods;
  - (5) periods off duty on ground during a single FDP;
  - (6) the minimum of in-flight break allocated to each crew member
  - (7) the augmentation of the basic flight crew; *and*
  - (8) *the augmentation of the basic cabin crew*

**Reason:** The BR Art. 22 2. (a) states that IR shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

comment

3543

comment by: KLM Cityhopper

**Comment:**

EASA seem to have taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. We strongly objects to this and believes that all the hard-limits of Subpart Q of EU-OPS (including the possibility to deviate for specific type of operations) – which provide for a

minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

3555

comment by: *KLM Cityhopper***Comment:**

The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance..

**Proposal:**

Add (d)(8) break (split duty)

comment

3557

comment by: *KLM Cityhopper***Comment:**

This requirement this not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are provided

**Proposal:**

Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided through **adding to (a)**: '*As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base*'.

comment

3605

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)***Comment**

To allow a better understanding, "(split duty)" should be added at the end of point (5)

comment

3648

comment by: *AIR FRANCE***Relevant Text:**

Entire paragraph of OR.OPS.330 and OR.OPS.335

**Comment:**

EASA has taken an approach to downgrade the hard-limits of Subpart Q of EU-OPS into Certification Specifications. All the hard-limits of Subpart Q of EU-OPS (including reduce rest, split duty, etc.) – which provide for a minimum level of harmonization at EU level - should remain part of the Implementing Rules. This is essential to ensure a level playing field within the common EU market. Moreover, the intent of the EU legislator was not to change EU-OPS Subpart Q which was just implemented on 16th July 2008.

**Proposal:**

Re-introduce the hard-limits of Subpart Q of EU-OPS into the EASA implementing rules (specific chapter for commercial aeroplane operations)

comment

3650

comment by: *AIR FRANCE*

Relevant Text:  
 (d) conditions for extension of the maximum daily FDP taking into account...  
 Comment:  
 editorial, for clarity  
 Proposal:  
 Add in (d)(5) "(split duty)"

comment

3651

comment by: AIR FRANCE

Relevant Text:  
 Entire paragraph OR.OPS.355.FTL  
 Comment:  
 The reduced rest provisions of EU-OPS are missing in the implementing rules.  
 Proposal:  
 Re-introduce the reduced rest provisions of EU-OPS through adding to OR.OPS.355.FTL a new point after point (a) 'Notwithstanding (a) provisions of reduced rest arrangements'

comment

3652

comment by: AIR FRANCE

Relevant Text:  
 (a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period either from home base or away from home base  
 Comment:  
 This requirement does not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are provided  
 Proposal:  
 Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided through adding to (a): 'As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base'.

comment

3758

comment by: Icelandair

**Relevant Text:**  
 (d) conditions for extension of the maximum daily FDP taking into account...  
**Comment:**  
 The possibility for FDP extension based on split duty should be added. The rules for split duty should include a number of options to be defined in the Certification Specifications and building on the existing provisions used for EU-OPS compliance..  
**Proposal:**  
 Add (d)(8) break (split duty)

comment

3851

comment by: IACA International Air Carrier Association

(d)(6)  
 Interpretation unclear: split duty break ? meal break ? in-flight rest break ?  
 Reword (6) as "the minimum of in-flight **rest** allocated to each crew member;"

comment

3884

comment by: Southern Cross International

Due to the type of operations of our company (test and ferry flights), their infrequent nature and taking into consideration the wide variety of aircraft operated by our company, the different equipment fits for each of those aircraft, the extreme short period of time those aircraft are operated, and the fact that the majority of our crews are employed on a contract per flight basis, it is most likely that the majority of the listed components will not be applicable to our company.

comment 3901 comment by: Air Berlin PLC & Co. Luftverkehrs KG  
FDP (d) (6)

Interpretation unclear: split duty break ? meal break ? in-flight rest break ?  
Reword (6) as "the minimum of in-flight **rest** allocated to each crew member;"

comment 3917 comment by: Air Berlin PLC & Co. Luftverkehrs KG

Interpretation unclear: split duty break ? meal break ? in-flight rest break ?  
Reword (6) as "the minimum of in-flight **rest** allocated to each crew member;"

comment 3995 comment by: CUD

~~Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:~~

- ~~(a) Maximum basic daily FDP;~~
- ~~(b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown;~~
- ~~(c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL);~~
- ~~(d) Conditions for extensions of the maximum basic daily FDP, taking into account:~~
  - ~~(1) the number of sectors flown;~~
  - ~~(2) FDPs within the WOCL;~~
  - ~~(3) a maximum number of extensions for a consecutive number of days;~~
  - ~~(4) increased pre and post flight minimum rest periods;~~
  - ~~(5) periods off duty on ground during a single FDP;~~
  - ~~(6) the minimum of in-flight break allocated to each crew member; and~~
  - ~~(7) the augmentation of the basic flight crew~~

Replace: Flight time specification schemes for commercial operators shall specify the following FDP elements, where applicable to the type of operation:

- (a) Maximum basic daily FDP of 13 hours;
- (b) Reductions of the maximum basic daily FDP dependent on the number of sectors flown (*These 13 hours will be reduced by 30 minutes for each sector after the first.*);
- (c) Reductions of the maximum basic daily FDP when this maximum would start, end or encompass the Window of Circadian Low (WOCL) *with a maximum FDP of 10 hours for FDPs that encompass the WOCL.*;
- (d) Conditions for extensions of the maximum basic daily FDP, taking into account:
  - (1) the number of sectors flown;
  - (2) FDPs within the WOCL;
  - (3) a maximum number of extensions for a consecutive number of days;
  - (4) increased pre and post flight minimum rest periods;
  - (5) periods off duty on ground during a single FDP;

- (6) the minimum of in-flight break allocated to each crew member  
 (7) the augmentation of the basic flight crew; *and*  
 (8) the augmentation of the basic cabin crew

Reason: Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours. Regarding (6) the conditions for in-flight breaks should be established in CS, taking into account the recommendations of latest scientific evidence (MOEBUS study) and operational best practices.

The BR Art. 22 2. (a) states that IR shall include all substantive provisions of Subpart Q, taking into account latest scientific and technical evidence. The 13 hours maximum daily FDP must be considered a substantive provision and should therefore be reflected in the IR.

comment 4044

comment by: ANE (Air Nostrum) OPS QM

Reference OPS 1.1105, in point 6.1 of EU-OPS article , it is specified that operations based on an extended FDP including a break , may be granted by authority (upon article 8 provisions). This option is not included in OR article.

We request the addition of a reference to possible alleviations in the wording of the OR.OPS.355 FTL just like there is in EU OPS 1.1105

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserves the right to come back to EASA on Section VIII once the options issue has been settled.

We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that we would welcome Industry participation.

comment 4078

comment by: Tyrolean Airways

**OR.OPS.335.FTL Flight Duty Period (FDP)**

(6) the minimum of in-flight break allocated to each crew member.....

This requirement leaves out what can be considered as an "in-flight break". Is the affected crew member to be free of all duties (will not work on any aeroplane when operated by min crew req'd as the operation then would actually be BELOW min number of cabin crew req'd as one is "on break". Who logs / proofs, that the required break(s) have taken place? - the commander is finally responsible that these regulations are met.

We do not consider this regulation useful to enhance safety as the existing framework anyhow requires (cabin) crewmembers to be able to "stand their duty" accordingly.

comment

399

comment by: Ryanair

**OR.OPS.350.FTL (a)(2)****Comment**

The requirement to take account of facilities available for the crew member to rest while on standby at home or at a place other than the aerodrome/operating site falls outside the control of the operator.

**Proposal**

(2) The relationship between standby duty and any assigned flight duty resulting from a standby duty at home or at aerodrome/operating site

**OR.OPS.350.FTL (a)(3)****Comment**

This would mean that all persons subject to the FTL would require minimum rest following standby and prior to non-safety related administrative duties

**Proposal**

(3) The determination of the rest period following standby duty which does not lead to the assignment of a flight duty, *and prior to a subsequent flight duty period, standby duty or simulator duty*

**OR.OPS.350.FTL (b)(1) & (2)****Comment**

The use of the words 'in advance' could be interpreted as preventing operators from assigning crew members to a standby duty following operational disruption/flight cancellation

**Proposal**

(b)(1) *Normally* standby duty shall rostered and *where possible* the affected crew member shall be notified in advance

(b)(2) *Normally* the start and end times of a standby duty shall be defined and the affected crew member shall, *where possible*, be notified in advance

comment

676

comment by: easyjet safety

(a) (2) Comment: The operator cannot take into account the rest facilities available when a crew member undertakes home standby.

Proposal: " the relationship between standby duty and any assigned flight duty resulting from the standby duty in the case of both aerodrome/operating site standby and home standby."

comment

732

comment by: Luftfahrt-Bundesamt

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.  
 The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.  
 Justification: see LBA - General Comment, reasons 1 and 2

comment 1142 comment by: ECA - European Cockpit Association

Comment on OR.OPS.350.FTL:

Merge paragraph with OR.OPS.050.FTL

Justification:

Both regular SB (OR.OPS.350.FTL) and airport SB (OR.OPS.050.FTL) should be gathered in the same section taking into account Moebus study.

Other wise this section should be called:

"Standby duty - *general*"

comment 1146 comment by: ECA - European Cockpit Association

Comment on OR.OPS.350.FTL(a): add new requirement for standby as proposed below:

Aerodrome / operating site standby (i.e. Airport standby) just like any other duties immediately prior to a flight duty not separated by an intervening rest period must be counted under the limitation of the maximum FDP in reference to the beginning of the duty as reporting time as the latest scientific studies recommend and as Moebus and CAP 371 count airport stay as FDP.

Standby duty other than aerodrome / operating site standby shall be conducted under detailed rules which should encompass the following proposal:

- In general the total length of a standby period should be limited to provided protected rest opportunities. An operator shall understand the physiological need for rest as it is impossible to be ready for a maximum FDP at all times.

- For a prolonged standby period the operator and crew member shall agree on periods of rest during the standby. General rules should be outlined in the OM-A.

- At best the crew member should be able to take a rest which covers the WOCL. Any interruption of the rest by the operator must be considered adequately when allocating flight duty.

Non- airport standby shall count by 35% of its duration towards accumulative duty limits.

Any SB duty shall be followed by a rest period as stated in CS FTL.1.155 (a) and (b).

Explanation:

CD 2000/79/EC limits the annual working time to 2000 hours considering 48 work weeks. This totals to 41,66 hrs per calendar week. The directive requires further a minimum of 96 days free of duty per 48 work weeks; thus two days per week. Should a crew member be on standby for a total of 5 days per week

this standby period shall be understood as an equal to 41,66 hrs of working time, to provide an evenly spread of working time during the rest of the yearly period.

5 days x 24 hrs = 120 hrs duration  
 120 hrs / 41,66 hrs per week ==> 35%  
 CAP 371 and Moebus --> airport standby is FDP

comment 1147 comment by: ECA - European Cockpit Association

Comment on OR.OPS.350.FTL(b): The text "...shall be considered" must be changed to "...shall apply" should it have any significance at all.

(b) Where commercial operators assign crew members to standby duty, the following shall ~~be considered~~ **apply**, taking into account the type of operation:

Justification:

**Question 15** / Moebus study

What provisions are needed for the calculation of maximum FDP and minimum post duty rest when called out from other forms of standby. (ref EU OPS 1.1125 para 2.1.4)

The scientific evaluation suggests that the longer the crew has been standby at home, the greater should be the contribution towards maximum FDP and minimum post duty rest period.

comment 1210 comment by: Sven Freisenich

See also comments under OR.OPS.010.FTL (c) Duty and need for additional definition of "Standby duty" to make clear not all "standby" is "duty".

comment 1390 comment by: SCCA/ head of health and safety

**1)** Airport standby shall count in its full extent when calculating the maximum FDP. Even when not called out airport standby shall be followed by the minimum rest period (12 hours). The maximum duration of airport standby shall be 12 hours.

**2)** Time spent on standby other then airport standby shall be taken into account when calculating the maximum FDP depending on to what extent it overlaps the WOCL (if it covers the WOCL, it should not be counted as FDP). All time spent on standby shall be accounted for cumulative duty hours. The FDP shall be charged with 50% of the standby period of the crew member.

comment 1415 comment by: Unionen/Sweden

Airport standby shall count in its full extent when calculating the maximum FDP. Even when not called out airport standby shall be followed by the minimum rest period (12 hours). The maximum duration of airport standby shall be 12 hours.

Time spent on standby other then airport standby shall be taken into account

when calculating the maximum FDP depending on to what extent it overlaps the WOCL (if it covers the WOCL, it should not be counted as FDP). All time spent on standby shall be accounted for cumulative duty hours.

comment 1747

comment by: Jill Pelan

**OR.OPS.350.FTL Standby duty****THE CFDT France ASKS FOR THE FOLLOWING AMENDMENTS**

(a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:

- (1) A determination of the maximum length of any standby duty;
- (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;
- (3) ~~A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~
- (4) ~~How standby times are counted for the purposes of cumulative duty hours.~~

(b) Where commercial operators assign crew members to standby duty, the following shall be considered, taking into account the type of operation:

- (1) Standby duty shall be rostered and the affected crew members shall be notified in advance;
- (2) The start and end time of the standby duty shall be defined and the affected crew members shall be notified in advance;
- (3) Aerodrome/operating site standby duty shall start from the crew member reporting at the designated normal report point and shall end as notified.

**CFDT Request:** regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.

Reason: BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).

**Request C FDT:** regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent.

2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.

**Reason:** 1.- The MOEBUS study suggests in the answer to question 14: ... *we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty...*, leading to the conclusion that it should be considered as FDP.

2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS

study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

**The CFDT France asks to Replace (a)(3) with :** "The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;"

**Reason:** BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1110 1.1.* establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater;* a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

**The CFDT asks for a Replacement :** (4)(1)Standby times spent on airport standby are counted for the purposes of cumulative duty hours. (4)(2)How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

**Reason:** BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1125* establishes that *Airport standby will count in full for the purposes of cumulative duty hours.*

**The CFDT Request regarding (4)(2):** The MOEBUS study suggests in the answer to question 16 that scientific studies on guidelines for the counting of time spent on standby (other than airport standby) would be difficult to undertake; BR 216/2008 art. 192.(a) mandates EASA to issue CS based on national best practices (i.e. UK CAP 371 22.3 Section B Page 14).

**CFDT Request regarding (b)(1) + (2): notified in advance, EASA should issue AMC on the meaning of "notified in advance".**

**Reason:** The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

comment

1855

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF

### **OR.OPS.350.FTL Standby duty**

(a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:

- (1) A determination of the maximum length of any standby duty;
- (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;
- (3) ~~A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~
- (4) ~~How standby times are counted for the purposes of cumulative duty hours.~~

(b) Where commercial operators assign crew members to standby duty, the following shall be considered, taking into account the type of operation:

- (1) Standby duty shall be rostered and the affected crew members shall be

notified in advance;

(2) The start and end time of the standby duty shall be defined and the affected crew members shall be notified in advance;

(3) Aerodrome/operating site standby duty shall start from the crew member reporting at the designated normal report point and shall end as notified.

**Request:** regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.

**Reason:** BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).

**Request:** regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent.

2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.

**Reason:** 1.- The MOEBUS study suggests in the answer to question 14: ... we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty..., leading to the conclusion that it should be considered as FDP.

2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

**Replace (a)(3):** The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;

**Reason:** BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1110 1.1. establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater*; a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

**Replace:** (4)(1)Standby times spent on airport standby are counted for the purposes of cumulative duty hours. (4)(2)How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1125 establishes *that Airport standby will count in full for the purposes of cumulative duty hours.*

**Request** regarding (4)(2): The MOEBUS study suggests in the answer to question 16 that scientific studies on guidelines for the counting of time spent on standby (other than airport standby) would be difficult to undertake; BR 216/2008 art. 192.(a) mandates EASA to issue CS based on national best practices (i.e. UK CAP 371 22.3 Section B Page 14).

**Request** regarding (b)(1) + (2): **notified in advance**, EASA should issue AMC on the meaning of "*notified in advance*".

Reason: The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members

comment 1871

comment by: Gordana BOBERIC

(a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:

- (1) A determination of the maximum length of any standby duty;
- (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;
- (3) ~~A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~
- (4) ~~How standby times are counted for the purposes of cumulative duty hours.~~

(b) Where commercial operators assign crew members to standby duty, the following shall be considered, taking into account the type of operation:

- (1) Standby duty shall be rostered and the affected crew members shall be **notified in advance**;
- (2) The start and end time of the standby duty shall be defined and the affected crew members shall be **notified in advance**;
- (3) Aerodrome/operating site standby duty shall start from the crew member reporting at the designated normal report point and shall end as notified.

Request: regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.

Reason: BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).

Request: regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent.

2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of

the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.

Reason: 1.- The MOEBUS study suggests in the answer to question 14: ... *we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty...*, leading to the conclusion that it should be considered as FDP.

2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

Replace (a)(3): The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1110 1.1* establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater*; a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

Replace: (4)(1)Standby times spent on airport standby are counted for the purposes of cumulative duty hours. (4)(2)How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1125* establishes that *Airport standby will count in full for the purposes of cumulative duty hours*.

Request regarding (4)(2): The MOEBUS study suggests in the answer to question 16 that scientific studies on guidelines for the counting of time spent on standby (other than airport standby) would be difficult to undertake; BR 216/2008 art. 192.(a) mandates EASA to issue CS based on national best practices (i.e. UK CAP 371 22.3 Section B Page 14).

Request regarding (b)(1) + (2): **notified in advance**, EASA should issue AMC on the meaning of "*notified in advance*".

Reason: The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

comment

1943

comment by: FSC - CCOO

Request: regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.

Reason: BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence

have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).

comment

1944

comment by: FSC - CCOO

Request: regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent.

2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.

Reason: 1.- The MOEBUS study suggests in the answer to question 14: ... *we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty...*, leading to the conclusion that it should be considered as FDP.

2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

comment

1945

comment by: FSC - CCOO

~~(3) A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~

Replace (a)(3): The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1110 1.1* establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater*; a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

comment

1946

comment by: FSC - CCOO

Replace: (4)(1)Standby times spent on airport standby are counted for the purposes of cumulative duty hours. (4)(2)How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1125 establishes *that Airport standby will count in full for the purposes of cumulative duty hours.*

Request regarding (4)(2): The MOEBUS study suggests in the answer to question 16 that scientific studies on guidelines for the counting of time spent on standby (other than airport standby) would be difficult to undertake; BR 216/2008 art. 192.(a) mandates EASA to issue CS based on national best practices (i.e. UK CAP 371 22.3 Section B Page 14).

comment 1947

comment by: FSC - CCOO

Request regarding (b)(1) + (2): **notified in advance**, EASA should issue AMC on the meaning of "*notified in advance*".

Reason: The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

comment 2282

comment by: kapers Cabin Crew Union

(a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:

- (1) A determination of the maximum length of any standby duty;
- (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;
- (3) ~~A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~
- (4) ~~How standby times are counted for the purposes of cumulative duty hours.~~

(b) Where commercial operators assign crew members to standby duty, the following shall be considered, taking into account the type of operation:

- (1) Standby duty shall be rostered and the affected crew members shall be **notified in advance**;
- (2) The start and end time of the standby duty shall be defined and the affected crew members shall be **notified in advance**;
- (3) Aerodrome/operating site standby duty shall start from the crew member reporting at the designated normal report point and shall end as notified.

Request: regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.

Reason: BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).

Request: regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent.

2.- For standby other than airport standby, CS, issued by EASA should propose

a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.

Reason: 1.- The MOEBUS study suggests in the answer to question 14: ... *we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty...*, leading to the conclusion that it should be considered as FDP.

2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

Replace (a)(3): The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1110 1.1* establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater*; a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

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Request regarding (b)(1) + (2): **notified in advance**, EASA should issue AMC on the meaning of "*notified in advance*".

Reason: The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

comment

2466

comment by: M Wilson-NetJets

**Original text:**

(b) (1) Standby duty shall be rostered and the affected crew members shall be notified in advance;

**Suggested new text:**

(1) The affected crew members shall be notified in advance of standby duty and ;

**Comment/suggestion:**

On-demand operators do not roster specific duty types in advance. There is a requirement to notify the crewmember in advance of any type of duty including standby.

comment 2780 comment by: *Civil Aviation Authority of Norway*

Comment to subsection (b)(1): The minimum period in advance should be defined.

comment 2781 comment by: *Civil Aviation Authority of Norway*

Comment to subsection (b)(3): Time spent on evt positioning before standby should be part of the duty period.

comment 2819 comment by: *BALPA*

Our comments made in OR.OPS.050 are also valid here. In addition to these, we believe that a standby conducted at home should not exceed 12 hours in duration.

We also require a relationship be detailed between the amount of time an individual has been on standby relative to the amount of FDP that is available. For example, we see no limit to a practice where an individual has been on standby from 0500, gets called for a Tenerife flight at 1600, only to go off duty at 0300 the following morning - a continuous duty of 22 hours which is fatigue inducing and certainly not safe!!! We feel a FDP should be reduced, and restrictions applied, after a certain timescale has been reached. A rule similar in content to the following needs to be addressed:

If a crewmember is called out from standby to conduct a FDP after completing 6 or more hours standby duty, then the total duty period allowed is the sum of all the time spent on standby and the allowable FDP, reduced by the amount of standby worked in excess of 6 hours.

comment 2950 comment by: *Gregor Rozina*

(a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:  
 (1) A determination of the maximum length of any standby duty;  
 (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;  
 (3) ~~A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~

(4) ~~How standby times are counted for the purposes of cumulative duty hours.~~

(b) Where commercial operators assign crew members to standby duty, the following shall be considered, taking into account the type of operation:

(1) Standby duty shall be rostered and the affected crew members shall be notified in advance;

(2) The start and end time of the standby duty shall be defined and the affected crew members shall be notified in advance;

(3) Aerodrome/operating site standby duty shall start from the crew member reporting at the designated normal report point and shall end as notified.

Request: regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.

Reason: BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).

Request: regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent.

2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.

Reason: 1.- The MOEBUS study suggests in the answer to question 14: ... *we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty...*, leading to the conclusion that it should be considered as FDP.

2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

Replace (a)(3): The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1110 1.1. establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater*; a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

Replace: (4)(1)Standby times spent on airport standby are counted for the purposes of cumulative duty hours. (4)(2)How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1125 establishes *that Airport standby will count in full for the purposes of cumulative duty hours.*

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Request regarding (b)(1) + (2): **notified in advance**, EASA should issue AMC on the meaning of "notified in advance".

Reason: The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

comment 3051

comment by: UCC SLO

(a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:

- (1) A determination of the maximum length of any standby duty;
- (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;
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that it should be considered as FDP.

2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

Replace (a)(3): The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1110 1.1.* establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater;* a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

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Request regarding (b)(1) + (2): **notified in advance**, EASA should issue AMC on the meaning of "*notified in advance*".

Reason: The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

comment

3168

comment by: DGAC

**Proposal:** Amend the title as follows :

« OR.OPS.350.FTL Standby ~~duty~~ »

and replace "standby duty" by "standby" throughout OR.OPS.350

**Justification:** Some forms of standby are not considered as duty and therefore do not lead to a rest. Only aerodrome/operating-site standby are duty periods.

comment

3290

comment by: cfdt france

**OR.OPS.350.FTL Standby duty**

(a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:

- (1) A determination of the maximum length of any standby duty;
- (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;
- (3) ~~A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~
- (4) ~~How standby times are counted for the purposes of cumulative duty hours.~~

(b) Where commercial operators assign crew members to standby duty, the following shall be considered, taking into account the type of operation:

- (1) Standby duty shall be rostered and the affected crew members shall be notified in advance;
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- (3) Aerodrome/operating site standby duty shall start from the crew member reporting at the designated normal report point and shall end as notified.

**Request: regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.**

**Reason & JUSTIFICATION : BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).**

**Request: regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent.**

**2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.**

**Reason: 1.- The MOEBUS study suggests in the answer to question 14: ... we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty..., leading to the conclusion that it should be considered as FDP.**

**2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].**

**Replace (a)(3): The minimum rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;**

**Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1110 1.1. establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding***

*duty period or 12 hours whichever is the greater; a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.*

**Replace: (4)(1)** Standby times spent on airport standby are counted for the purposes of cumulative duty hours. **(4)(2)** How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

**Reason:** BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1125 establishes that Airport standby will count in full for the purposes of cumulative duty hours.

**Request regarding (4)(2):** The MOEBUS study suggests in the answer to question 16 that scientific studies on guidelines for the counting of time spent on standby (other than airport standby) would be difficult to undertake; BR 216/2008 art. 192. (a) mandates EASA to issue CS based on national best practices (i.e. UK CAP 371 22.3 Section B Page 14).

**Request regarding (b)(1) + (2): notified in advance, EASA should issue AMC on the meaning of "notified in advance".**

**Reason:** The term in advance in itself only means beforehand. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase

comment 3315

comment by: cfdt france

#### **OR.OPS.350.FTL Standby duty**

##### **THE CFDT France ASKS FOR THE FOLLOWING AMENDMENTS**

(a) Flight time specification schemes for commercial operators shall specify the following elements for standby duty, where applicable to the type of operation:

- (1) A determination of the maximum length of any standby duty;
- (2) The relationship between standby duty and any assigned flight duty resulting from the standby duty, taking into account facilities available for the crewmember to rest and other relevant factors;
- (3) ~~A determination of the rest period following standby duty which does not lead to assignment on a flight duty;~~
- (4) ~~How standby times are counted for the purposes of cumulative duty hours.~~

(b) Where commercial operators assign crew members to standby duty, the following shall be considered, taking into account the type of operation:

- (1) Standby duty shall be rostered and the affected crew members shall be notified in advance;
- (2) The start and end time of the standby duty shall be defined and the affected crew members shall be notified in advance;
- (3) Aerodrome/operating site standby duty shall start from the crew member reporting at the designated normal report point and shall end as notified.

**CFDT Request:** regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.

**Reason:** BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).

**Request CFDT:** regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered

as FDP in its full extent.

2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.

**Reason:** 1.- The MOEBUS study suggests in the answer to question 14: ... *we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty...*, leading to the conclusion that it should be considered as FDP.

2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L & Åkerstedt T, 1988].

**The CFDT France asks to Replace (a)(3) with :** "The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on a flight duty;"

**Reason:** BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1110 1.1.* establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater;* a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

**The CFDT asks for a Replacement :** (4)(1)Standby times spent on airport standby are counted for the purposes of cumulative duty hours. (4)(2)How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

**Reason:** BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; *OPS 1.1125* establishes that *Airport standby will count in full for the purposes of cumulative duty hours.*

**The CFDT Request regarding (4)(2):** The MOEBUS study suggests in the answer to question 16 that scientific studies on guidelines for the counting of time spent on standby (other than airport standby) would be difficult to undertake; BR 216/2008 art. 192.(a) mandates EASA to issue CS based on national best practices (i.e. UK CAP 371 22.3 Section B Page 14).

**CFDT Request regarding (b)(1) + (2): notified in advance, EASA should issue AMC on the meaning of "notified in advance".**

**Reason:** The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

comment

3694

comment by: *Bristow Helicopters*

How does this compare to the EC WTD(A) definition of Standby?

comment

3859

comment by: *IACA International Air Carrier Association*

See also comments under OR.OPS.010.FTL (c) Duty and need for additional definition of "Standby duty" to make clear not all "standby" is "duty".

comment	<p>3902 <span style="float: right;">comment by: <i>Air Berlin PLC &amp; Co. Luftverkehrs KG</i></span></p> <p>See also comments under OR.OPS.010.FTL (c) Duty and need for additional definition of "Standby duty" to make clear not all "standby" is "duty"</p>
comment	<p>3918 <span style="float: right;">comment by: <i>Air Berlin PLC &amp; Co. Luftverkehrs KG</i></span></p> <p>See also comments under OR.OPS.010.FTL (c) Duty and need for additional definition of "Standby duty" to make clear not all "standby" is "duty".</p>
comment	<p>3997 <span style="float: right;">comment by: <i>CUD</i></span></p> <p>Request: regarding (a)(1), CS, issued by EASA, should establish the maximum length of any standby duty.</p> <p>Reason: BR 216/2008, art. 22 2.(a): Latest scientific and technical evidence have to be taken into account; the results of the MOEBUS study have not been able to offer a conclusive result proposing a concrete maximum amount of hours, further medical studies should be commissioned. In the meantime CS should reflect national best practices: Example: The UK CAP 371 proposes a limit of 12 hours for all cases of standby (see 12.4 CAP 371, Section B, page 8).</p>
comment	<p>3998 <span style="float: right;">comment by: <i>CUD</i></span></p> <p>Request: regarding (a)(2), 1.- CS, issued by EASA, should establish that airport standby cannot count as rest and should therefore be considered as FDP in its full extent. 2.- For standby other than airport standby, CS, issued by EASA should propose a formula to calculate the relationship between standby duty and the following FDP. This formula should be based on best national practices (i.e. UK CAP 371 12.4) and latest scientific and technical evidence; the answer to question 15 of the MOEBUS study requests more scientific evaluation of this problem, we therefore call upon EASA to commission further scientific evaluation of this item.</p> <p>Reason: 1.- The MOEBUS study suggests in the answer to question 14: ... <i>we know of no scientific evidence to suggest that airport standby should be considered as any less fatiguing than flight duty...</i>, leading to the conclusion that it should be considered as FDP. 2.- Existing national regulations, i.e. UK CAP 371, propose a formula to establish a relationship between standby duty and any assigned flight duty. These can be considered best practices and should therefore as stated in Art. 19 of the BR be reflected in CS. The answer to question 15 of the MOEBUS study suggests that sleep taken on standby is shorter and of poorer quality than normal sleep [Torsvall L &amp; Åkerstedt T, 1988].</p>
comment	<p>3999 <span style="float: right;">comment by: <i>CUD</i></span></p> <p><del>(3) A determination of the rest period following standby duty which does not lead to assignment on a flight duty;</del></p> <p>Replace (a)(3): The minimum the rest period, as established in OR.OPS.355.FTL, following standby duty which does not lead to assignment on</p>

a flight duty;

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1110 1.1. establishes that *The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater*; a crew member can be on standby duty, resting or on duty. Time spent on standby duty cannot be considered as rest, in order to meet this requirement, a minimum rest period has to be guaranteed after concluding a standby duty as scheduled and the following FDP.

comment

4000

comment by: CUD

Replace: (4)(1)Standby times spent on airport standby are counted for the purposes of cumulative duty hours. (4)(2)How standby spent on standby other than airport standby times are counted for the purposes of cumulative duty hours.

Reason: BR 216/2008 art. 22, 2.(a) request IR based on substantive provisions of Subpart Q EU OPS; OPS 1.1125 establishes *that Airport standby will count in full for the purposes of cumulative duty hours.*

Request regarding (4)(2): The MOEBUS study suggests in the answer to question 16 that scientific studies on guidelines for the counting of time spent on standby (other than airport standby) would be difficult to undertake; BR 216/2008 art. 192.(a) mandates EASA to issue CS based on national best practices (i.e. UK CAP 371 22.3 Section B Page 14).

comment

4001

comment by: CUD

Request regarding (b)(1) + (2): **notified in advance**, EASA should issue AMC on the meaning of "*notified in advance*".

Reason: The term in advance in itself only means before. This in itself does not provide legal certainty. The lack of definition of this item would certainly increase stress and fatigue levels in crew members.

comment

4036

comment by: ANE (Air Nostrum) OPS QM

OR.OPS.350.FTL. Imaginaria.

o It is recommended to define how standby times are counted for the purpose of cumulative hours. Well, we just are using home standby duties, so:

§ If a home standby is not called to operate any flight, they will count as 0 for cumulative hours

§ If a home standby is called to operate, the new duty scheduled is the only duty time that will count for purpose of cumulative hours

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserves the right to come back to EASA on Section VIII once the options issue has been settled. We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that we would welcome Industry participation.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section VIII - Chapter 3 -  
OR.OPS.355.FTL Rest periods**

p. 30

comment 264 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.355.FTL:

Introduce scientific evidence based figures :

(a) 10 hours

(b) 8 hours, plus allowance for time zone effect

(d) 36 hours including 2 local nights within any 7 consecutive days

Justification:

These figures have been clearly scientifically demonstrated (Moebus Study). There is no safety related reason to exclude them from IR level. See also other related ECA comments.

comment 400 comment by: *Ryanair*

**OR.OPS.355.FTL (a) – Rest Periods**

**Comment**

Any differentiation between rest requirements applicable at a home base versus away from home base has no basis in safety and must be removed.

**Proposal**

The minimum rest period provided before undertaking a flight duty period shall be at least as long as the preceding duty period, or 10 hours, whichever is greater.

**OR.OPS.355.FTL (b) – Rest Periods**

**Comment**

The requirement to provide a sleep opportunity before undertaking a flight duty is addressed in minimum rest requirements

**Proposal**

DELETE

**OR.OPS.355.FTL (b) & (c) – Rest Periods**

**Comment**

The requirement for an operator to specify a sleep opportunity is not required as this issue is addressed in minimum rest and OR.OPS.010.FTL – 'Definitions (l) – Positioning' which sets out the requirements for travel time to/from a place of rest.

**Proposal**

DELETE (b) & (c)

**OR.OPS.355.FTL (d) – Rest Periods****Comment**

The wording used in this requirement is not compatible with CS FTL 1.155 (c)

**Proposal**

Recurrent extended recovery rest periods to compensate for cumulative fatigue

comment 733

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1105 comment by: *AEA*

**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)

**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reason, all type of operations of complex aeroplanes should be subject to identical rules.

**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 1110

comment by: *AEA***Relevant Text:**

Entire paragraph OR.OPS.355.FTL

**Comment:**

The **reduced rest provisions** of EU-OPS are missing in the implementing rules.

**Proposal:**

Re-introduce the reduced rest provisions of EU-OPS through adding to OR.OPS.355.FTL a new point after point (a) '**Notwithstanding (a) provisions of reduced rest arrangements**'.

comment 1118

comment by: *AEA***Relevant Text:**

(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period either from home base or

away from home base

**Comment:**

This requirement this not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are provided

**Proposal:**

Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided through **adding to (a)**: '*As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base*'.

comment 1148 comment by: ECA - European Cockpit Association

Comment on OR.OPS.355.FTL(a):

This section should be called "*Flight time specification schemes - rest*"

and be moved to fit in with OR.OPS.330.FTL and OR.OPS.335.FTL so that all regulation on "*Flight time specification schemes*" are assembled in one unit.

comment 1149 comment by: ECA - European Cockpit Association

Comment on OR.OPS.355.FTL(a):change as follows:

Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base **taking into account any duty assigned in between the rest and the flight duty;**

Justification:

The wording as given allows an operator to assign no-flying duty in between the rest and the succeeding flight duty without a limiting effect on the length of the flight duty.

The so called mixed duties must be regulated at another position to appropriately address the fatiguing effect of any duty and its impact on flight safety. There is no comprehensive argument why any other duty should be considered as any less fatiguing than flight duty.

**Question 8** (Moebus Study): answer:

Reduced rest is only allowed as part of a comprehensive FRMS and that FRMS would need take into account of a wide range of factors including both the time spent commuting and the influence of the body clock on sleep duration.

comment 1151 comment by: ECA - European Cockpit Association

Comment on OR.OPS.355.FTL(b):add as follows:

(b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period; **any reduced rest that is less than 12 hours long should include the entire WOCL period, and consideration should be given to ensuring that the subsequent flight duty is not too onerous.**

Justification:

This is a recommendation by the Moebus Study.

comment

1152

comment by: ECA - European Cockpit Association

Comment on OR.OPS.355.FTL(c):

Add provision for additional rest following extensions as per answer to question 7 of Moebus study (see below).

According to the answer to **Question 7** from the scientific evaluation, the minimum rest during layovers should be 14 hours after significant time crossings.

Justification:

More detailed regulation on extended rest after a transition through a significant number of time zones is required.

The scientific evaluation's recommendation for TZC of more than 2 zones within one FDP:

(1) Rest on layover min. 14 hrs.

(2) Recovery at home base according to Moebus table.

In case of return flight in WOCL (home base time): at least 2 local nights should be provided.

Furthermore, add the concept of acclimatization to the regulation and additional restrictions related to rest on layover and recovery at home base, in particular to take into account acclimatization.

comment

1153

comment by: ECA - European Cockpit Association

Comment on OR.OPS.355.FTL(d):add as follows:

(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue. **A weekly rest period is essential to allow the dissipation of the cumulative fatigue.**

**A weekly rest:**

**- encompasses two local nights**

**- will be scheduled at least 4 times per any 28 days and at not less than 168 hours apart**

**- will be appropriately extended after a time zone transition for the purpose of acclimatization.**

Justification:

As it is unlikely that a weekly rest will fully dissipate fatigue if it does not encompass two local nights, will not occur at a sufficient rate per month or occurs after a rapid time zone transition, the proposed minimum requirement shall be observed.

The following principles from the scientific review shall be observed:

**Question 9**

*Removing the "exemption" given in OPS 1.1110 2.1 for the second local night (which currently allows reporting time as early as 04:00, resulting in aircrew starting their week of consecutive duty periods in a fatigued state).*

**Question 10**

*defining local nights as a period of 10 hours falling between 22:00 and 10:00.  
... requiring four weekly rest periods in every 28 consecutive days*

comment 1211 comment by: *Sven Freisenich*

The reduced rest provisions of EU-OPS are missing and have been downgraded to certification specifications. LTU proposes to re-introduce the reduced rest provisions of EU-OPS.

comment 1474 comment by: *M Wilson-NetJets*

**Original text:**

OR.OPS.355.FTL Rest periods

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- (a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;
- (b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- (d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.

**Suggested new text:**

OR.OPS.355.FTL Rest periods

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- (a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period;
- (b) Make due allowance for an increase in rest if this rest is taken at the crew members normal residence to allow for unavoidable day to day activities that could reduce the normally available rest time;
- (c) Sleep opportunity before undertaking a flight duty period, depending on the preceding duty period;
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- (d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.

**Comment/suggestion:**

Home base is centralized operator concept and to allow other types of operations (mainly decentralized) to be able to devise the most flexible, safe and economically advantageous FTL schemes the requirement to specify different rest periods for FDPs starting from home base or away from the home base should be moved to the CS or AMC part of the regulation.

comment 1475 comment by: *M Wilson-NetJets*

**Original text:**

(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.

**Suggested new text:**

(d) Extended recovery rest periods to compensate for cumulative fatigue.

**Comment/suggestion:**

Different operations cause different levels of accumulation of fatigue over a certain time periods. Therefore, also the extended recovery periods differ for each type of operation. To allow other types of operations to be able to devise the most flexible, safe and economically advantageous FTL schemes the weekly requirement to schedule extended rest periods should be moved to the CS or AMC part of the regulation.

comment

1576

comment by: *British Airways*

(b) We seek further clarification on the definition of a sleep opportunity and how does this relate to circadian rhythms?

(c) Remove this statement. We feel that our existing rest rules that require a minimum of 12hrs rest or a rest as long as the preceding duty is sufficient.

(d) Remove the word 'weekly'. This does not add anything to the context of this sentence. Also later items refer to 168hrs and not weekly, therefore confusion as to what should be applied could result.

comment

1616

comment by: *TAP Portugal*

**Relevant Text:**

Entire paragraph OR.OPS.355.FTL

**Comment:**

The **reduced rest provisions** of EU-OPS are missing in the implementing rules.

**Proposal:**

Re-introduce the reduced rest provisions of EU-OPS through adding to OR.OPS.355.FTL a new point after point (a) '**Notwithstanding (a) provisions to grant reduced rest arrangements**'.

comment

1617

comment by: *TAP Portugal*

**Relevant Text:**

(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period either from home base or away from home base

**Comment:**

This requirement this not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are provided

**Proposal:**

Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided through **adding to (a)**: '*As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base*'.

comment 1749

comment by: Jill Pelan

**OR.OPS.355.FTL Rest periods****The CFDT France asks for the following changes :**

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- ~~(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~
- ~~(b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- ~~(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

**Replace:** (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

**Reason:** Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

**Replace:** (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

**Reason:** The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

**Request regarding (c): Art. 19 2.(a)** mandates EASA to develop CS reflecting "*best practices and scientific and technical knowledge*". When drafting these CS the Agency should at least take the following criteria into account:

The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].

The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by

time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

**Replace: (d)** A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

*Reason:* BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in **IR**, taking into account the latest scientific and technical evidence.

comment 1777

comment by: Sean Butler, bmi

**Page: 30 Section: OR.OPS.355.FTL Rest Periods**

Relevant Text: Entire paragraph OR.OPS.355.FTL

Comment: The reduced rest provisions of EU-OPS are missing and have been downgraded to certification specifications

Proposal: Re-introduce the reduced rest provisions of EU-OPS OPS 1.11110

comment 1813

comment by: KLM

Relevant Text: Entire paragraph OR.OPS.355.FTL

**Comment:** The reduced rest provisions of EU-OPS are missing in the implementing rules.

**Proposal:** Re-introduce the reduced rest provisions of EU-OPS through adding to OR.OPS.355.FTL a new point after point (a) 'Notwithstanding (a) provisions to grant reduced rest arrangements'.

comment 1821

comment by: KLM

Relevant Text:

- (a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period either from home base or away from home base

**Comment:**

This requirement this not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are provided

**Proposal:**

Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided through adding to (a):

'As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base'.

comment

1854

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF

**OR.OPS.355.FTL Rest periods**

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- ~~(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~
- ~~(b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- ~~(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

**Replace:** (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

Reason: Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

**Replace:** (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

Reason: The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

**Request regarding** (c): Art. 19 2.(a) mandates EASA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:

The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].

The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home

base should be increased by an additional local night at home base.

**Replace:** (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Reason: BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;

comment 1881

comment by: Gordana BOBERIC

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- ~~(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~
- ~~(b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- ~~(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

Replace: (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

Reason: Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

Replace: (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

Reason: The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

Request regarding (c): Art. 19 2.(a) mandates EASA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:

The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].

The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

Replace: (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Reason: BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;

comment

1948

comment by: FSC - CCOO

~~(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~

Replace: (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

Reason: Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

comment

1949

comment by: FSC - CCOO

~~(b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~

Replace: (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

Reason: The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

- comment 1950 comment by: FSC - CCOO
- Request regarding (c): Art. 19 2.(a) mandates EASA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:  
 The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].  
 The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.  
 Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.
- comment 1951 comment by: FSC - CCOO
- ~~(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~
- Replace: (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.
- Reason: BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;
- comment 2116  comment by: AUSTRIAN Airlines
- Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reason, all type of operations of complex aeroplanes should be subject to identical rules.  
**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)
- comment 2129 comment by: AUSTRIAN Airlines
- Relevant Text:**  
 Entire paragraph OR.OPS.355.FTL  
**Comment:**  
 The **reduced rest provisions** of EU-OPS are missing in the implementing rules.

**Proposal:**

Re-introduce the reduced rest provisions of EU-OPS through adding to OR.OPS.355.FTL a new point after point (a) '**Notwithstanding (a) provisions to grant reduced rest arrangements**'.

comment

2130

comment by: AUSTRIAN Airlines

**Relevant Text:**

(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period either from home base or away from home base

**Comment:**

This requirement this not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are provided

**Proposal:**

Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided through **adding to (a)**: '*As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base*'.

comment

2291

comment by: kapers Cabin Crew Union

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- (a) ~~Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~
- (b) ~~Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- (d) ~~Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

Replace: (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

Reason: Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

Replace: (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

Reason: The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for

travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

Request regarding (c): Art. 19 2.(a) mandates EASA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:

- The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].
- The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.
- Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

Replace: (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Reason: BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;

comment

2596 comment by: *Deutsche Lufthansa AG*

**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reasons, all types of operations of complex aeroplanes should be subject to identical rules.

**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment

2609

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**  
 Entire paragraph OR.OPS.355.FTL

**Comment:**  
 The **reduced rest provisions** of EU-OPS are missing in the implementing rules.

**Proposal:**  
 Re-introduce the reduced rest provisions of EU-OPS through adding to

OR.OPS.355.FTL a new point after point (a) '**Notwithstanding (a) provisions to grant reduced rest arrangements**'.

comment

2610

comment by: Deutsche Lufthansa AG

**Relevant Text:**

(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period either from home base or away from home base

**Comment:**

This requirement this not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are provided

**Proposal:**

Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided through **adding to (a)**: '*As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base*'.

comment

2954

comment by: Gregor Rozina

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

~~(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~

~~(b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~

(c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;

~~(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

Replace: (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

Reason: Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

Replace: (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

Reason: The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

Request regarding (c): Art. 19 2.(a) mandates EASA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:

The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].

The minimum rest away from home base shall resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

Replace: (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Reason: BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;

comment

2956

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:** Chapter 1 (General Requirements) of Section VIII (**new para**)  
**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reasons, all types of operations of complex aeroplanes should be subject to identical rules.

**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment

2972

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Entire paragraph OR.OPS.355.FTL

**Comment:**

The **reduced rest provisions** of EU-OPS are missing in the implementing rules.

**Proposal:**

Re-introduce the reduced rest provisions of EU-OPS through adding to OR.OPS.355.FTL a new point after point (a) '**Notwithstanding (a) provisions to grant reduced rest arrangements**'.

comment

2973

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period either from home base or away from home base

**Comment:**

This requirement should not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are

provided

**Proposal:**

Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided through **adding to (a)**: '*As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base*'.

comment 3052

comment by: UCC SLO

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- ~~(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~
- ~~(b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- ~~(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

Replace: (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

Reason: Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

Replace: (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

Reason: The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

Request regarding (c): Art. 19 2.(a) mandates EASA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:

The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].

The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone

difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

Replace: (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Reason: BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;

comment 3073

comment by: BALPA

Section (a) identifies the rest requirement "...before undertaking a *flight duty period*..". This doesn't seem to take into consideration ground duties. Therefore, can a standby that is unused be followed by another standby starting, for example, 4 hours later? If so, this is blatantly nowhere near the minimum rest requirement between two flying duties so what's the difference between flying and ground duties! Our concern highlighted in OR.OPS.050 FTL regarding the definition of "designated" rest periods is again raised. This needs to be clarified carefully to ensure safety is upheld.

comment 3169

comment by: DGAC

**Proposal:** Amend the paragraph by adding a new items (e) as follows :

"(e) Conditions for reduction of the minimum rest, taking into account:

- (1) the number and length of sectors flown;
- (2) the number of time zones crossed;
- (3) a limit under which the minimum rest can not be reduced;
- (4) FDPs within the WOCL;
- (5) a maximum number of reductions for a consecutive number of days;
- (6) reduction of the following FDP
- (7) increased pre- and post-flight minimum rest periods;

**Justification:** All items of EU-OPS mentioned in article 8.4 of Regulation (EEC) No 3922/91 can find a legal hook<sup>(\*)</sup> in OR.OPS.FTL except reduced rest which seems to have been forgotten. The proposal will reintroduce that hook.

(\*) "8.4. Notwithstanding the provisions of paragraphs 1, 2 and 3, a Member State may adopt or maintain provisions relating to

o OPS 1.1105 point 6, [= > **(5) of OR.OPS.335.FTL**]

o OPS 1.1110 points 1.3 [= > **(c) of OR.OPS.355.FTL**]

o and 1.4.1, [= > **add a new (e) to OR.OPS.355.FTL**]

o OPS 1.1115, [= > **(6) of OR.OPS.335.FTL**]

o and OPS 1.1125 point 2.1 [= > **OR.OPS.350.FTL**]

of Subpart Q in Annex III until Community rules based on scientific knowledge and best practices are established."

comment 3211 comment by: *Virgin Atlantic Airways*

**Relevant Text:**

Entire paragraph OR.OPS.355.FTL

**Issue:**

The reduced rest provisions of EU-OPS are missing in the implementing rules.

**Suggestion:**

Re-introduce the reduced rest provisions of EU-OPS through adding to OR.OPS.355.FTL a new point after point (a) 'Notwithstanding (a) provisions to grant reduced rest arrangements'.

comment 3213 comment by: *Virgin Atlantic Airways*

(a) **RelevantText:**

Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period either from home base or away from home base

**Comment:**

This requirement this not include the possibility of 'back-to-back' operations e.g. with 10h rest at the nominated home base as long as rest facilities are provided

**Proposed Text:**

Add the possibility to apply the 'away from home base' rest provisions at the home base as long as rest facilities are provided. This could be achieved by adding the following text to point (a):

'As long as rest facilities are provided, the away from home base rest provisions can be applied at the home base'.

comment 3292 comment by: *cfdt france*

**OR.OPS.355.FTL Rest periods**

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

- (a) ~~Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~
- (b) ~~Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~
- (c) Additional rest periods to compensate for the effects of time zone differences and extensions of the FDP;
- (d) ~~Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

**Replace: (a) (1) Minimum rest period at home base.**

**The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty**

period, or 12 hours, whichever is the greater.

**(2) Minimum rest period away from home base.**

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

**Reason:** Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

**Replace:** (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

**Reason:** The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

**Request regarding (c): Art. 19 2.(a)** mandates EA SA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:

**The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].**

The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

**Replace:** (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Reason:** BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;

comment

3316

comment by: *cfdt france*

### **OR.OPS.355.FTL Rest periods**

**The CFTD France asks for the following changes :**

Flight time specification schemes for commercial operators shall specify the following rest elements, where applicable to the type of operation:

(a) ~~Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~

(b) ~~Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~

(c) Additional rest periods to compensate for the effects of time zone

differences and extensions of the FDP;

~~(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

**Replace:** (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

**Reason:** Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

**Replace:** (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

**Reason:** The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

**Request regarding (c): Art. 19 2.(a)** mandates EASA to develop CS reflecting "*best practices and scientific and technical knowledge*". When drafting these CS the Agency should at least take the following criteria into account:

The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].

The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

**Replace: (d)** A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Reason:** BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in **IR**, taking into account the latest scientific and technical evidence.

comment

3547

comment by: KLM Cityhopper

**Comment:** The rest requirements (OR.OPS.355.FTL) for commercial operators should also apply to non-commercial operators in order to ensure a fair competition with non-commercial operators which are indirectly competing with commercial operators when transporting certain types of passengers or freight. For safety reason, all type of operations of complex aeroplanes should

be subject to identical rules.

**Proposal:** Introduce a new OR.OPS.055 Rest Periods into the Chapter 1 (general requirements) related to FTL and rest requirements, based on OR.OPS.355.FTL (Rest Period applicable to commercial operators)

comment 3556

comment by: *KLM Cityhopper*

**Comment:**

The **reduced rest provisions** of EU-OPS are missing in the implementing rules.

**Proposal:**

Re-introduce the reduced rest provisions of EU-OPS through adding to OR.OPS.355.FTL a new point after point (a) '**Notwithstanding (a) provisions to grant reduced rest arrangements**'.

comment 3606

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

As it is the case for split duty in OR.OPS.335 FTL (5), provision for reduced rest must be included into the IRs of this NPA.

**Proposal**

(b) not withstanding (a), provision of reduced rest arrangements

**Justification**

obvious

comment 3607

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The word "weekly" must be removed from point (d) to comply with Subpart Q (EU-OPS).

comment 3653

comment by: *AIR FRANCE*

Relevant text :

§ d)

Comment:for consistency with CS FTL 155, delete weekly

Proposald) delete weekly

comment 3714

comment by: *Bristow Helicopters*

this rule would appear to be unnecessary since this consideration is already implicit in the basis of any FRMS? Similarly, any accepted FTL scheme that has been based on scientific evidence should have the avoidance of cumulative fatigue built-in to the basic structure of the scheme.

comment 3734

comment by: *AEA*

Relevant text:

OR.OPS.355. FTL

(d) *Weekly recurrent extended recovery rest* periods to compensate for cumulative fatigue.

**Comment:**

There is a wording difference between OR. OPS 355 and CS.FTL 155. In CS 155 we read "Recurrent extended recovery rest" and "Weekly recurrent recovery rest" in OR.OPS 355.

Both should be the same.

**Proposal**

Have only one definition: "*recurrent extended recovery rest*"

comment 3860 comment by: *IACA International Air Carrier Association*

The reduced rest provisions of EU-OPS are missing and have been downgraded to certification specifications. IACA proposes to re-introduce the reduced rest provisions of EU-OPS.

comment 3903 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

The reduced rest provisions of EU-OPS are missing and have been downgraded to certification specifications. LTU proposes to re-introduce the reduced rest provisions of EU-OPS.

comment 3919 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

The reduced rest provisions of EU-OPS are missing and have been downgraded to certification specifications. Air Berlin proposes to re-introduce the reduced rest provisions of EU-OPS.

comment 4002 comment by: *CUD*

~~(a) Minimum rest periods in relation to the preceding duty period, which must be provided before undertaking a flight duty period starting either from home base or away from home base;~~

Replace: (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

Reason: Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

comment 4003 comment by: *CUD*

~~(a) Minimum rest periods in relation to the preceding duty period, which must~~

~~be provided before undertaking a flight duty period starting either from home base or away from home base;~~

Replace: (a) (1) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(2) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

Reason: Minimum rest and the definition of its duration have to be considered a substantive provision of Subpart Q EU OPS and have therefore to be included in the IR. (Art. 22 2.(a) BR 216/2008).

comment 4004

comment by: CUD

~~(b) Sleep opportunity before undertaking a flight duty period starting away from home base, depending on the preceding duty period;~~

Replace: (b) The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs, which has to be increased accordingly depending on the preceding duty period;

Reason: The definition of an 8 hour sleep opportunity seems a logical conclusion following the established 10 hours minimum rest and allowing for travel time to the place of rest, time to eat, bathe and other physiological needs. The US Federal Motor Carrier Safety Administration recommends a minimum of 8 hours of uninterrupted sleep per day for drivers.

comment 4006

comment by: CUD

Request regarding (c): Art. 19 2.(a) mandates EASA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS the Agency should at least take the following criteria into account:

The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].

The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.

Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

comment 4007

comment by: CUD

Request regarding (c): Art. 19 2.(a) mandates EASA to develop CS reflecting best practices and scientific and technical knowledge. When drafting these CS

the Agency should at least take the following criteria into account:  
 The definition of significant time-zone crossing: significant time-zone crossing is considered to cover more than two time zones within one FDP [Roach GD et al, 2002; Kantermann T et al, 2007].  
 The minimum rest away from home base shall be increased to allow for additional resting time when the normal sleep time on the body clock does not overlap with the normal sleep time in the local environment at destination.  
 Additional rest on return to home base depending on the maximum time zone difference and preceding layover length, taking into account the recommendations made by MOEBUS in the answer to question 7 and national best practices. If time-zone crossing in one direction is followed by time-zone crossing in the opposite direction the additional rest at home base should be increased by an additional local night at home base.

comment

4009

comment by: CUD

~~(d) Weekly recurrent extended recovery rest periods to compensate for cumulative fatigue.~~

Replace: (d) A weekly recurrent extended recovery rest of at least 36 hours to compensate for cumulative fatigue, including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Reason: BR 216/2008 Art. 22, 2. (a): The weekly extended recovery rest is to be considered a substantive provision of Subpart Q EU OPS and has therefore to be included in IR, taking into account the latest scientific and technical evidence;

comment

4045

comment by: ANE (Air Nostrum) OPS QM

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserves the right to come back to EASA on Section VIII once the options issue has been settled. We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that we would welcome Industry participation

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comment

316

comment by: ECA - European Cockpit Association

ECA believes that the provisions of the security section should be deleted as they overlap with regulation 300/2008. If, however, it is decided to keep this section, ECA makes comments to amend the paragraph (see comments below).

comment

734

comment by: Luftfahrt-Bundesamt

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.  
 We herewith request to establish a clear legal situation by keeping the FTL -

Requirements in the Implementing Rules.  
 The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.  
 Justification: see LBA - General Comment, reasons 1 and 2

comment 1158 comment by: *Welcome Air*

- Aviation security measures are within the remit of European Commission DG TREN and should not be confused by those safety measures under the responsibility of EASA.

comment 1788 comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

not applicable for balloons

comment 2001 comment by: *AEA*

**Relevant Text:**  
 Section IX-Security

**Comment:**  
 Aviation **security** measures are within the remit of European Commission DG TREN and should not be confused by those **safety** measures under the responsibility of EASA.

comment 2688 comment by: *AUSTRIAN Airlines*

Aviation **security** measures are within the remit of European Commission DG TREN and should not be confused by those **safety** measures under the responsibility of EASA

comment 2750 comment by: *TAP Portugal*

**P.30 OR. OPS Section IX – Security**  
**Association comment**

Aviation security measures are within the remit of European Commission DG TREN and should not be confused by those safety measures under the responsibility of EASA.

comment 3094 comment by: *ERA*

**European Regions Airline Association Comment**

Fundamentally the Stakeholder Associations believe that aviation **security** measures are within the competence, and should remain the sole remit of European Commission DG TREN F5 and should not be confused by those **safety** measures under the responsibility of DG TREN F.3 / EASA.

comment 3270 comment by: *Swiss International Airlines / Bruno Pfister*

Aviation **security** measures are within the remit of European Commission DG TREN and should not be confused by those **safety** measures under the responsibility of EASA.

comment 3823 comment by: *IACA International Air Carrier Association*  
Attachment [#17](#)  
IACA Security Working Group jointly with other associations (AEA, EEA, ELFAA, ERA and IATA) combined their comments in a separate document attached hereto in pdf-format.

comment 3934 comment by: *IATA*  
Fundamentally IATA believes that aviation **security** measures are within the competence, and should remain the sole remit of European Commission DG TREN F5 and should not be confused by those **safety** measures under the responsibility of DG TREN F.3 / EASA.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IX - OR.OPS.020.SEC** p. 30-31  
**Disruptive Passenger Behaviour**

comment 317 comment by: *ECA - European Cockpit Association*  
This paragraph should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 316). If, however it is decided to keep this section within OPS, the following changes are needed:  
  
OR.OPS.020.SEC Disruptive Passengers Behaviour  
(a) An operator engaged in the commercial air transportation of passengers shall:  
(1) develop a disruptive passenger policy and implement a process for managing the safety risks arising from disruptive passenger behaviour;  
(2) provide training ~~and establish means and procedures~~, to enable its crew members to act in the most appropriate manner to minimise the consequences of disruptive passenger behaviour ~~on flight safety~~.  
**(b) The PIC shall be informed, prior to departure, when never deportees are to be embarked. The PIC will also be advised of their seat number(s) as well as the details of any escorts.**  
  
Justification:  
The existence of this policy should be a prerequisite to the issue of the AOC. The policy shall appear on the operator's security programme.

comment 921 comment by: *claire.amos*  
This is good.

comment 1160 comment by: *Welcome Air*  

- Potentially Disruptive passengers are also covered by the provisions on

EU300/2008 Chapter 4 Passengers and Cabin Baggage This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN)

comment 2010

comment by: AEA

**Relevant Text:**

OR.OPS.020.SEC Disruptive Passenger Behaviour

*(a) An operator engaged in the commercial air transportation of passengers shall:*

*(1) develop a disruptive passenger policy and implement a process for managing the safety risks arising from disruptive passenger behaviour;*

*(2) provide training and establish means and procedures, to enable its crew members to act in the most appropriate manner to minimise the consequences of disruptive passenger behaviour on flight safety.*

**Comment:**

Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage. This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN) and definitions harmonised.

comment 2301

comment by: Ryanair

OR.OPS.020.SEC

The term "potentially disruptive passenger" in the context of Regulation (EC) 300/2008 means a "passenger who is either a deportee, a person deemed to be inadmissible for immigration purposes, or a person in lawful custody".

Although we cannot find any definition of the term "disruptive passenger" in Regulation 216, it is clear that this term is used in a much wider context. This anomaly must be addressed and any confusion removed.

Security training requirements are already specified in and mandated by Regulation (EC) 300/2008.

comment 2689

comment by: AUSTRIAN Airlines

Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN) and definitions harmonised.

comment 2732

comment by: easyjet safety

easyJet believes that aviation **security** measures are within the competence, and should remain the sole remit of European Commission DG TREN F5 and should not be confused by those **safety** measures under the responsibility of DG TREN F.3 / EASA.

The term 'potentially disruptive passenger' in the context of Regulation (EC) 200/2008 means a "passenger who is a deportee, a person deemed to be inaccessible for immigration purposes or a person in lawful custody". Although not defined in Regulation 216, it is clear that the term 'disruptive passenger' is used in a much wider context. This anomaly must be clarified and any confusion removed. Disruptive passengers (actual) are both a safety and security risk.

comment 2751

comment by: TAP Portugal

**P30 OR.OPS.020.SEC Disruptive Passenger Behaviour**

**Association comment**

Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN) and definitions harmonised.

comment 3095

comment by: ERA

**European Regions Airline Association Comment**

- The term 'potentially disruptive passenger' in the context of Regulation (EC) 200/2008 means a "passenger who is a deportee, a person deemed to be inaccessible for immigration purposes or a person in lawful custody".
- Although not defined in Regulation 216, it is clear that the term 'disruptive passenger' is used in a much wider context. This anomaly must be clarified and any confusion removed. Disruptive passengers (actual) are both a safety and security risk..

comment 3170

comment by: DGAC

There is a (b) missing for non commercial operators of complex motor-powered aircraft, or the provisions in (a) should be applicable to both commercial operators and non commercial operators of complex motor-powered aircraft.

Indeed the essential requirements of the basic regulation (art 8.c of annexe IV) state the following :

"8. Additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft

8.c. The operator must establish procedures, as appropriate, so as to minimise the consequences to safe flight operations of disruptive passenger behaviour."

If the choice is to keep one paragraph to both, then delete "(a)" and renumber (1) and (2) into (a) & (b).

paragraph 62 of NPA 2009-02 A refers to a paragraph "(b) training and procedures" "based on the implementation of applicable ICAO SARPS with regard to training and procedures (subparagraph b)."

comment 3272 comment by: *Swiss International Airlines / Bruno Pfister*

Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN) and definitions harmonised.

comment 3361 comment by: *BDF - German Airline Association*

In conjunction with OR.OPS.025.SEC the requirement of staff training is doubled. Regulation (EC) 200/2008, Chapter 11 of the Annex, the Commission Regulation (EC) 272/2009, and the forthcoming Commission Regulation laying down detailed measures for the implementation of the common basic standards on aviation security already cover the training issue. Provisions are laid down in Chapter 4 of the annex of Regulation (EC) 300/2008. This must be therefore recognized as the responsibility for regulatory authority for the Commission.

comment 3440 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Regulation (EC) No 300/2008 provides the basis for a common interpretation of ICAO Annex 17.

According to Regulation (EC) No 300/2008 article 10 all Member States shall draw up, apply and maintain a National Civil Aviation Security Programme. This programme shall be made available in appropriate parts to operators and entities concerned. The programme shall define responsibilities for the implementation of the common basic standards and describe the measures required by operators. The common basic standards consists of a large variety of security measures and includes both inflight security measures and training. The detailed implementing legislation are at present being prepared by the Commission in cooperation with Member States. Regulation (EC) No 300/2008 also requires air carriers to draw up, apply and maintain an air carrier security program.

Considering the above we find it inappropriate and unpractical to single out a few security related issues and regulate them in the flight safety context. We have absolutely no objections of regulating the issues per se, but they should be dealt with in the same context as all other security issues. We believe that this view is also shared by most stake holders.

**Proposal:**

All security issues related to ICAO Annex 17 should be left to be dealt with in the implementing legislation of Regulation (EC) No 300/2008.

comment 3935 comment by: *IATA*

The term 'potentially disruptive passenger' in the context of Regulation (EC) 200/2008 means a "passenger who is a deportee, a person deemed to be inaccessible for immigration purposes or a person in lawful custody".

Although not defined in Regulation 216, it is clear that the term 'disruptive

passenger' is used in a much wider context. This anomaly must be clarified and any confusion removed. Disruptive passengers (actual) are both a safety and security risk.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IX - OR.OPS.025.SEC  
Security programme and Security training**

p. 31

comment

151

comment by: EHOC

Editorial Paragraph (b)

Subservient paragraphs should be numbered (1) and (2).

comment

318

comment by: ECA - European Cockpit Association

This paragraph should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 316). If, however it is decided to keep this section within OPS, the following changes are needed:

(a) An operator ~~of a complex motor-powered aircraft~~ shall develop and implement a security programme **appropriate to its operation**. The security programme shall comply with the relevant requirements of the national civil aviation security programme of the competent authority in the State of the operator. Appropriate elements of the security programme shall be included in the operations manual. The operator shall ensure that crew members have knowledge of and competence in all relevant elements of the security programme.

(b) ~~A commercial operator or a non-commercial operator~~ **Any operator of complex motor-powered aircraft** shall establish, maintain and implement a security training programme, **appropriate for the operation**, which:

(a) ensures that crew members ~~act in the most appropriate manner~~ **make every effort** to prevent acts of unlawful interference, and to minimise the consequences of such events should they occur;

(b) includes ~~s sections in the syllabus on security training programmes regarding~~ **sections in the syllabus on security training programmes regarding** disruptive passengers and acts of unlawful interference.

Justification:

(comment on (a)) The definition of regulation 300/2008 should be included.

(comment on (b)) ECA strongly recommends to delete. This obligation exists already under R300. This duplicity creates confusions and concepts are diffused. Include the definition of Regulation 300/2008. 'Most appropriate manner' does not take into account the circumstances of the event. The proposed formulation is more appropriate.

comment

912

comment by: claire.amos

a) This is a regulatory duplication. EC300 Article 13 requires that each air carrier draws up, applies and maintains a security programme. Compliance should be in accordance with that Regulation.

Either delete paragraph (a) or make reference to EC300

Regulatory duplication with EC300 Annex Chapter 10 that requires flight and cabin crew training to prevent acts of unlawful interference.  
Either delete paragraph (b) or make reference to EC300.

comment 1161 comment by: *Welcome Air*

- Security training programmes are already mandated in Chapter 11 of EU300/2008 – EASA section IX should be amended to reflect this.

comment 2011 comment by: *AEA*

**Relevant Text:**

OR.OPS.025.SEC Security Programme & security Training

**Comment:**

Security training programmes are already mandated in Chapter 11 of EU300/2008 – EASA section IX should be amended to reflect this.

comment 2305 comment by: *Ryanair*

(a) Regulation (EC) 300/2008 already requires Operators to develop and implement a security programme. To avoid conflict, any reference to an operators security programme or a requirement to include elements of this programme in the operations manual must be removed. Otherwise operators may be subjected to duplicated information and approval processes.

(b) Security Training and Security Training Programmes are already specified in and mandated by Regulation (EC) 300/2008, Chapter 11. OR.OPS SEC must be amended to reflect this.

comment 2690 comment by: *AUSTRIAN Airlines*

Security training programmes are already mandated in Chapter 11 of EU300/2008 – EASA section IX should be amended to reflect this.

comment 2733 comment by: *easyjet safety*

Regulation (EC) 300/2008 already requires Operators to develop and implement a security programme. To avoid conflict, any reference to the Operators Security Programme or a requirement to include elements of this programme in the operations manual must be removed. Otherwise Operators may be subject to duplicated information and approval processes. Inclusion of specific security provisions in the Operations Manual must remain at the discretion of the Operator.

Security training programme requirements are already specified in and mandated by Chapter 11 of EU300/2008 –Section IX of OR.OPS must be amended to reflect this.

comment 2753 comment by: TAP Portugal

**P31 OR.OPS.025.SEC Security Programme & security Training**

**Association comment**

Security training programmes are already mandated in Chapter 11 of EU300/2008 – EASA section IX should be amended to reflect this.

comment 3065 comment by: Irish Aviation Authority

Comment:

Paragraph (a). As written this paragraph only applies to operators of complex motor powered aircraft. Both JAR-OPS 3 and ICAO Annex 6 address this issue to CAT. Amend text as detailed below.

Proposed text:

**A commercial operator or** an operator.....

comment 3096 comment by: ERA

**European Regions Airline Association Comment**

- Regulation (EC) 300/2008 already requires Operators to develop and implement a security programme. To avoid conflict, any reference to the Operators Security Programme or a requirement to include elements of this programme in the operations manual must be removed. Otherwise Operators may be subject to duplicated information and approval processes. Inclusion of specific security provisions in the Operations Manual must remain at the discretion of the Operator.
- Security training programme requirements are already specified in and mandated by Chapter 11 of EU300/2008 –Section IX of OR.OPS must be amended to reflect this.

comment 3171 comment by: DGAC

(a) & (b) should be applicable to both commercial operators and non commercial operators of complex motor-powered aircraft.

Indeed the essential requirements of the basic regulation (art 8.c of annexe IV) state the following :

“8. Additional requirements for operation for commercial purposes and operation of complex motor-powered aircraft”

8.d. The operator must develop and maintain security programmes adapted to the aircraft and the type of operation including particularly:”

As OR.OPS is only applicable to commercial operators and to non commercial operators of complex motor-powered aircraft, it is sufficient to write “An operator shall”, both in (a) and (b)

comment 3172 comment by: DGAC

In paragraph (b), subparagraphs should be numbered (1) and (2) instead of (a) and (b)

comment 3273 comment by: *Swiss International Airlines / Bruno Pfister*  
 Security training programmes are already mandated in Chapter 11 of EU300/2008 – EASA section IX should be amended to reflect this.

comment 3365 comment by: *BDF - German Airline Association*  
 Security Programmes and Security training is a basic requirement of Regulation (EC) 300/2008. First of all the EASA NPA doubles these requirements, but secondly it is only applicable to air transport operators. Regulation (EC) 300/2008 also reflects the need of an airport for having a security programme, since security already starts at an earlier point than the flight itself. The same applies to the training programme. Former regulations reflected the compatibility of training programmes with the National Aviation Security Programme. This is completely left out of the EASA NPA.

comment 3441 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Regulation (EC) No 300/2008 provides the basis for a common interpretation of ICAO Annex 17.

According to Regulation (EC) No 300/2008 article 10 all Member States shall draw up, apply and maintain a National Civil Aviation Security Programme. This programme shall be made available in appropriate parts to operators and entities concerned. The programme shall define responsibilities for the implementation of the common basic standards and describe the measures required by operators. The common basic standards consists of a large variety of security measures and includes both inflight security measures and training. The detailed implementing legislation are at present being prepared by the Commission in cooperation with Member States. Regulation (EC) No 300/2008 also requires air carriers to draw up, apply and maintain an air carrier security program.

Considering the above we find it inappropriate and unpractical to single out a few security related issues and regulate them in the flight safety context. We have absolutely no objections of regulating the issues per se, but they should be dealt with in the same context as all other security issues. We believe that this view is also shared by most stake holders.

**Proposal:**

All security issues related to ICAO Annex 17 should be left to be dealt with in the implementing legislation of Regulation (EC) No 300/2008.

comment 3520 comment by: *Southern Cross International*

Due to the type of operations of our company (test and ferry flights) and taking into consideration the wide variety of aircraft operated by our company, the different equipment fits for each of those aircraft, the extreme short period of time those aircraft are operated, and the fact that the majority of our crews are employed on a contract per flight basis, requiring an operator security training program is not practicable as these crew members will be compliant with the security training programme established by their regular employer for

the subject type of aircraft.

comment

3936

comment by: IATA

Regulation (EC) 300/2008 already requires Operators to develop and implement a security programme. To avoid conflict, any reference to the Operators Security Programme or a requirement to include elements of this programme in the operations manual must be removed. Otherwise Operators may be subject to duplicated information and approval processes. Inclusion of specific security provisions in the Operations Manual must remain at the discretion of the Operator.

Security training programme requirements are already specified in and mandated by Chapter 11 of EU300/2008 –Section IX of OR.OPS must be amended to reflect this.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IX - OR.OPS.030.SEC  
Aircraft search procedure checklist**

p. 31

comment

319

comment by: ECA - European Cockpit Association

The whole paragraph should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 316). If, however it is decided to keep this section within OPS, this article would pose real difficulties as aircraft security and aircraft checks are a key part of Regulation 300/2008, ECA strongly recommends not duplicating rules. If EASA does not follow this strong recommendation, we would note the need to consider the procedures provided by the manufacturer in case that a suspicious object is found in-flight.

If, however, EASA decides to keep this article, the procedures provided by the manufacturer shall be considered and the following text shall be added: "only when absolutely necessary should a suspicious object be moved and then only in consultation with the appropriate bomb disposal agency."

comment

913

comment by: *claire.amos*

Aircraft searches are prescribed in EC300 Annex Chapter 3 and its associated Implementing Rules.  
This is another area of Regulatory duplication with EC300.

comment

1163

comment by: *Welcome Air*

- This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – EASA section IX should be amended to reflect this.

comment

1722

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS030.SEC Aircraft search procedure checklist  
(a)**

**Proposal:**

**Add:** This checklist may be contained in a lap-top that is accessible to appropriate personnel

comment

2012

comment by: AEA

**Relevant text:**

OR.OPS.030.SEC Aircraft Search Procedure checklist

**Comment:**

This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – EASA section IX should be amended to reflect this.

**Proposal:**

Rename OR.OPS.030.SEC **Specific threat event – search procedure checklist**

comment

2306

comment by: Ryanair

Aircraft security check and search procedures are specified in and mandated by Regulation (EC) 300/2008. There is no basis in security for such a checklist.

Proposal

Remove to avoid unnecessary duplication and confusion.

comment

2691

comment by: AUSTRIAN Airlines

This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – EASA section IX should be amended to reflect this.

comment

2692

comment by: AUSTRIAN Airlines

Should eventually be included in EU300/2008 Chapter 10 In Flight security measures, once Competence is decided for 'In Flight' issues

comment

2734

comment by: easyjet safety

This should be removed. Aircraft search procedures are specified in and are mandated by Chapter 3 of EU300/2008 –Section IX of OR.OPS should be amended to reflect this

comment

2735

comment by: easyjet safety

With the exception of certification requirements for anti intrusion reinforced cockpit doors (where required to be fitted), aircraft cockpit security should be included in Chapter 10 of EU300/2008

- comment 2755 comment by: *TAP Portugal*  
**P31 OR.OPS.030.SEC Aircraft Search Procedure checklist**  
**Association comment**  
 This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – EASA section IX should be amended to reflect this.
- comment 3068 comment by: *Irish Aviation Authority*  
 Comment:  
 Paragraph (a). As written this paragraph only applies to operators of complex motor powered aircraft. Both JAR-OPS 3 and ICAO Annex 6 address this issue to CAT. Amend text as detailed below.  
  
 Proposed text:  
**A commercial operator or an operator.....**
- comment 3097 comment by: *ERA*  
**European Regions Airline Association Comment**  
 This should be removed. Aircraft search procedures are specified in and are mandated by Chapter 3 of EU300/2008 –Section IX of OR.OPS should be amended to reflect this.
- comment 3173 comment by: *DGAC*  
 R300/2008 does not only deal with "search procedure" but with « check and search procedure »  
 Moreover the draft Implementing Legislation establishes in the general provisions of Chapter 3 "Aircraft Security"(§3.0.3) that « an aircraft need not to be subjected to an aircraft security search. It shall be subjected to an aircraft security check in accordance with § 3.1". The checklist concerning aircraft security checks is attachment 3.b to Chapter 3.  
 Therefore, "security search" might be replaced all over section IX by "security check"
- comment 3275 comment by: *Swiss International Airlines / Bruno Pfister*  
 This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – EASA section IX should be amended to reflect this.
- comment 3373 comment by: *BDF - German Airline Association*  
 This paragraph has no delimitation to the aircraft security check/search as per Regulation (EC) 300/2008, which might cause confusion of involved personnel.
- comment 3442 comment by: *Swedish Transport Agency, Civil Aviation Department*

(Transportstyrelsen, Luftfartsavdelningen)

**Comment:**

Regulation (EC) No 300/2008 provides the basis for a common interpretation of ICAO Annex 17.

According to Regulation (EC) No 300/2008 article 10 all Member States shall draw up, apply and maintain a National Civil Aviation Security Programme. This programme shall be made available in appropriate parts to operators and entities concerned. The programme shall define responsibilities for the implementation of the common basic standards and describe the measures required by operators. The common basic standards consists of a large variety of security measures and includes both inflight security measures and training. The detailed implementing legislation are at present being prepared by the Commission in cooperation with Member States. Regulation (EC) No 300/2008 also requires air carriers to draw up, apply and maintain an air carrier security program.

Considering the above we find it inappropriate and unpractical to single out a few security related issues and regulate them in the flight safety context. We have absolutely no objections of regulating the issues per se, but they should be dealt with in the same context as all other security issues. We believe that this view is also shared by most stake holders.

**Proposal:**

All security issues related to ICAO Annex 17 should be left to be dealt with in the implementing legislation of Regulation (EC) No 300/2008.

comment

3937

comment by: IATA

This should be removed. Aircraft search procedures are specified in and are mandated by Chapter 3 of EU300/2008 –Section IX of OR.OPS should be amended to reflect this.

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IX - OR.OPS.035.SEC  
Cockpit security – Aeroplanes**

p. 31

comment

320

comment by: ECA - European Cockpit Association

This paragraph should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 316). If, however it is decided to keep this section within OPS, the following changes are needed:

(a) ~~In all complex mot or powered aeroplanes and in~~ For all aeroplanes used in commercial operations, which are equipped with a cockpit door, this door shall be capable of being locked, and means shall be provided by which the cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(b) All passenger carrying aeroplanes of a maximum certificated take-off mass

exceeding 45 500 kg or with a maximum passenger seating configuration of more than 60 engaged in the commercial transportation of passengers, shall be equipped with an approved cockpit door that is capable of being locked and unlocked from ~~either both~~ pilot's station and designed to meet the applicable airworthiness requirements.

(c) The cockpit door referred to in subparagraph (b) above shall:

(1) be closed and locked from the time either an engine is started or the aircraft is repositioned from stand, ~~all external doors are closed~~ following embarkation, until any ~~such external~~ door is opened for disembarkation, except when necessary to permit access and egress by authorised persons; and

(2) means shall be provided for monitoring from ~~either both~~ pilot's station the entire door area outside the cockpit to identify persons requesting entry and to detect ~~suspicious behaviour or a~~ potential threat to the cockpit.

Justification:

To allow flexibility to operations on the ground. The objective is not detect suspicious behavior but potential threats.

comment 464

comment by: P.Becker ACG

OR.OPS.035SEC (b) still not clear: does passenger carrying aeroplanes mean to be in compliance with the AOC (passenger approval)??  
What about cargo aircraft with no approval for passengers, but with passenger seats in the flight deck area (curtain instead of cockpit door)?  
Proposal 035SEC (b)  
all AOC holders with passenger approval of a maximum certificated take-off mass ....shall equipped with a cockpit door

comment 940

comment by: claire.amos

b) **Approved cockpit door**  
Wording should align with ICAO Annex 6

comment 1301

comment by: UK CAA

**Page No:** 31 of 136

**Paragraph No:**  
OR.OPS.035.SEC (c)(1)

**Comment:**

The requirement to close and lock an approved flight deck door should be amended to "prior to engine start".

**Justification:**

Whilst the wording aligns with ICAO Annex 6 there appears to be no other justification for the change. EU-OPS uses 'prior to engine start' as the moment for the door to be locked. This permits flexibility for the crew when an aircraft closes the doors but has to wait a significant amount of time before starting engines. Existing Standard Operating Procedures are predicated on the EU-OPS requirement and the procedure has worked well.

**Proposed Text (if applicable):**

"be closed and locked prior to engine start until engine shut down, except when necessary to permit access and egress by authorised persons."

comment

1710

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**OR.OPS.035.SEC Cckpit security - Aeroplanes  
(c) (2)**

**Comment.**

There is no AMC for this IR. Does this paragraph preclude an alternative means when the CCTV is U/S. Does EASA intend this to be an MEL release item.

That would be excessive and unnecessary. Alternative means are already established as good practice in the event that the CCTV is u/s.

**Proposal.**

**(3) An alternative means should be provided in the event that the /CCTV is unserviceable to monitor the area outside the cockpit to identify persons requesting to enter and to detect suspicious behaviour or potential threat.**

comment

2013

comment by: *AEA***Relevant Text:**

OR.OPS.030.SEC Cockpit Security - Aeroplanes

**Comment:**

Should eventually be included in EU300/2008 Chapter 10 In Flight security measures, once Competence is decided for 'In Flight' issues.

comment

2307

comment by: *Ryanair*

With the exception of certification requirements for cockpit doors (where fitted) and associated safety procedures, aircraft cockpit security should be addressed in Regulation (EC) 300/2008.

(c)(2) In accordance with current Security Legislation and as approved by the Appropriate Authority for Aviation Security [Regulation (EC) 300/2008, Article 9] operators have developed approved procedures for monitoring the entire door area outside the cockpit. Nothing in OR.OPS.035 SEC shall be interpreted as either preventing an operator from continuing with such approved procedures or mandating the installation and use of CCTV.

comment

2758

comment by: *TAP Portugal*

**P31 OR.OPS.035.SEC Cockpit Security - Aeroplanes**

**Association comment**

Should eventually be included in EU300/2008 Chapter 10 In Flight security measures, once Competence is decided for 'In Flight' issues

comment	3098	comment by: ERA
	<b><u>European Regions Airline Association Comment</u></b>	
	With the exception of certification requirements for anti intrusion reinforced cockpit doors (where required to be fitted), aircraft cockpit security should be included in Chapter 10 of EU300/2008	
comment	3175	comment by: DGAC
	(a) The wording ",which are equipped with a cockpit door," is confusing because of the comas. One might understand that all motor-powered aeroplanes and all aeroplanes used in commercial operations shall be equipped with such a door. To avoid any confusion, replace " <del>which are equipped</del> " by " <b>when</b> equipped"	
comment	3176	comment by: DGAC
	(b) Insert a hyphen between "passenger" and "carrying" to read "All passenger-carrying aeroplanes" instead of "All passenger carrying aeroplanes", to avoid imposing doors on passengers (however disruptive such passengers might be...)	
comment	3177	comment by: DGAC
	(b) To ease the understanding of paragraph (b) and to stick to known concepts (commercial air transportation or CAT), delete "engaged in the commercial transportation of passengers," and replace it by adding at the beginning of the paragraph the following : "In case of commercial air transportation".	
comment	3276	comment by: Swiss International Airlines / Bruno Pfister
	Should eventually be included in EU300/2008 Chapter 10 In Flight security measures, once Competence is decided for 'In Flight' issues	
comment	3296	comment by: DGAC
	<b>(c)</b> : The wording of EU-OPS 1.1255(c)(1) has been changed to be aligned with the wording of ICAO Annex 6 ("engine start/stop" vs "doors closed/opened"). As a result, procedures and checklists will have to be reviewed. As the safety benefit been assessed compared to the cost?	
comment	3337	comment by: Lufthansa CityLine GmbH
	(c) (1)	
	This should eventually be included in EU300/2008 Chapter 10 In Flight security measures, once Competence is decided for 'In Flight' issues This is at variance to EU OPS 1 where the cockpit door is required to be locked before the engine start until it is shut down. This definition is more operationally suitable e.g. technical or ATC delays with passengers on board etc and does not affect security. We request re word paragraph 1): 1) be closed and locked from <b>engine start until engine shut down</b> , except when	

necessary to permit access and egress by authorised persons; and.....

comment 3375 comment by: *BDF - German Airline Association*

Cockpit Security is mentioned in Regulation (EC) 300/2008, Chapter 10, within the In-Flight Security Measures. Therefore detailed measures should be included in Chapter 10 of Regulation (EC) 200/2008.

comment 3384 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

Relevant text: "In all complex motorpowered aeroplanes and in all aeroplanes used in commercial operations, which are equipped with a cockpit door, this door shall be capable of being locked". Does this apply for aeroplanes with a maximum configuration with less than 20 seats ? Moreover, does it apply to small organizations ?

**Proposal**

This paragraph must be clarified to let operators understand precisely their requirements.

**Justification**

obvious

comment 3444 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Regulation (EC) No 300/2008 provides the basis for a common interpretation of ICAO Annex 17.

According to Regulation (EC) No 300/2008 article 10 all Member States shall draw up, apply and maintain a National Civil Aviation Security Programme. This programme shall be made available in appropriate parts to operators and entities concerned. The programme shall define responsibilities for the implementation of the common basic standards and describe the measures required by operators. The common basic standards consists of a large variety of security measures and includes both inflight security measures and training. The detailed implementing legislation are at present being prepared by the Commission in cooperation with Member States. Regulation (EC) No 300/2008 also requires air carriers to draw up, apply and maintain an air carrier security program.

Considering the above we find it inappropriate and unpractical to single out a few security related issues and regulate them in the flight safety context. We have absolutely no objections of regulating the issues per se, but they should be dealt with in the same context as all other security issues. We believe that this view is also shared by most stake holders.

**Proposal:**

All security issues related to ICAO Annex 17 should be left to be dealt with in the implementing legislation of Regulation (EC) No 300/2008.

comment 3760 comment by: *Embraer - Indústria Brasileira de Aeronáutica - S.A.*

The requirement OR.OPS.035.SEC(c)(2) is not clear of how it is expected to be complied. An Acceptable Means of Compliance or Guidance Material item should be added in order to clarify the required procedures/equipment to meet the requirement intent.

comment 3824 comment by: *IACA International Air Carrier Association*

(c)(2)

There is no AMC for this IR. Does this paragraph preclude an alternative means when the CCTV is U/S ? Does EASA intend this to be an MEL release item ? That would be excessive and unnecessary. Alternative means are already established as good practice in the event that the CCTV is u/s.

Add:

(3) An alternative means should be provided in the event that the /CCTV is unserviceable to monitor the area outside the cockpit to identify persons requesting to entry and to detect suspicious behaviour or potential threat.

comment 3938 comment by: *IATA*

With the exception of certification requirements for anti intrusion reinforced cockpit doors (where required to be fitted), aircraft cockpit security should be included in Chapter 10 of EU300/2008.

comment 3991 comment by: *ANE (Air Nostrum) OPS QM*

**Ref. OR.OPS.035.SEC Cockpit security – Aeroplanes**

c) The cockpit door referred to in subparagraph (b) above shall:

1) be closed and locked from the time all external doors are closed following **embarkation** until any such door is opened for **disembarkation**, except when necessary to permit access and egress by authorised persons; and

This is at variance to EU OPS 1 where the cockpit door is required to be locked before the **engine s tart** until it is **shut down**. This definition is more operationally suitable e.g. technical or ATC delays with passengers on board etc. and does not affect security. We request re word paragraph 1):

*1) 1 ) be closed and locked from engine start until engine shut down, except when necessary to permit access and egress by authorised persons; and'*

**C. III. Draft Opinion Part-OR - Subpart OPS - Section IX - OR.OPS.040.SEC  
Cockpit security – Helicopters**

p. 31-32

comment 321 comment by: *ECA - European Cockpit Association*

Comment on OR.OPS.040.SEC:

This paragraph should be deleted.

**~~If installed, the cockpit door on a helicopter operated for the purpose of carrying passengers shall be capable of being locked from within the~~**

**cockpit in order to prevent unauthorised access.**

Justification:

ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 316). Besides, this is not applicable to helicopters. If helicopters ditch, there is the possibility that the door could not be opened.

**C. IV. Draft Decision (CS) Part-OR**

p. 33

comment

735

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment

1187

comment by: *Sven Freisenich*

Attachments [#18](#) [#19](#) [#20](#)

General comments

EASA seems to have taken an approach to downgrade the hard-time limits of Subpart Q of EU-OPS into Certification Specifications. The hard-time limits of Subpart Q provided for a minimum level of harmonisation at EU level and should remain part of the Implementing Rule. This is essential to ensure a level playing field within the EU market. Moreover, the EU Legislator clearly spelled out in the Basic Regulation not to change EU-OPS Subpart Q which was only implemented on 16<sup>th</sup> July 2008.

The EASA proposal to remove limits from hard law to CSs is intended to provide for flexibility to suit different kinds of operations. But, until EASA confirmed themselves as an independent safety regulator, LTU prefers to maintain the technical content of EU-OPS in the Implementing Rule. The need for any rulemaking activity shall be identified in a safety case and supported by a correct regulatory impact assessment; and not be biased and/or influenced by social considerations.

comment

3825

comment by: *IACA International Air Carrier Association*

General comments

EASA seems to have taken an approach to downgrade the hard-time limits of Subpart Q of EU-OPS into Certification Specifications. The hard-time limits of Subpart Q provided for a minimum level of harmonisation at EU level and should remain part of the Implementing Rule. This is essential to ensure a level playing field within the EU market. Moreover, the EU Legislator clearly spelled out in the Basic Regulation not to change EU-OPS Subpart Q which was only implemented on 16<sup>th</sup> July 2008.

The EASA proposal to remove limits from hard law to CSs is intended to provide for flexibility to suit different kinds of operations. But, until EASA confirmed themselves as an independent safety regulator, IACA prefers to maintain the technical content of EU-OPS in the Implementing Rule. The need for any rulemaking activity shall be identified in a safety case and supported by a correct regulatory impact assessment; and not be biased and/or influenced by social considerations.

comment 3868 comment by: *IACA International Air Carrier Association*

Attachments [#21](#) [#22](#) [#23](#) [#24](#) [#25](#)

The IACA FTL The IACA FTL Working Group and IACA Safety Standards Committee jointly decided to propose an alternate Certification Specification CS-FTL.IACA taking into account the conditions as specified in OR.OPS.330.FTL and AMC.OR.OPS.330.FTL(c). See attached IACA CS-FTL with 6 Attachments.

comment 3874 comment by: *IACA International Air Carrier Association*

Attachments [#26](#) [#27](#)

Hereby Attachments 5 and 6 of IACA CS-FTL (for information only)

comment 3920 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

General comments

EASA seems to have taken an approach to downgrade the hard-time limits of Subpart Q of EU-OPS into Certification Specifications. The hard-time limits of Subpart Q provided for a minimum level of harmonisation at EU level and should remain part of the Implementing Rule. This is essential to ensure a level playing field within the EU market. Moreover, the EU Legislator clearly spelled out in the Basic Regulation not to change EU-OPS Subpart Q which was only implemented on 16<sup>th</sup> July 2008.

The EASA proposal to remove limits from hard law to CSs is intended to provide for flexibility to suit different kinds of operations. But, until EASA confirmed themselves as an independent safety regulator, Air Berlin prefers to maintain the technical content of EU-OPS in the Implementing Rule. The need for any rulemaking activity shall be identified in a safety case and supported by a correct regulatory impact assessment; and not be biased and/or influenced by social considerations.

comment 3933 comment by: *Ryanair*

Attachment [#28](#)

Alternative CS for Short/Medium Haul Operations attached

*NPA 200902c  
30 Jan 2009*

**IV. DRAFT DECISION CS TO PART – ORGANISATION REQUIREMENTS  
(PART OR)**

**Certification Specifications (CS) to Part OR****Subpart OPS – Air Operations****Section VIII – Flight and duty time limitations and rest requirements****CS FTL Short/Medium Haul****CS FTL.2 Basic Certification Specification for Commercial Air Transport (Aeroplanes) Short/Medium Haul Operations****CS FTL.2.100 Applicability**

CS FTL.2 constitutes a flight time specification scheme in accordance with OR.OPS.330.FTL and is applicable for commercial air transport operations (aeroplanes) in conjunction with the applicable requirements for flight and duty time limitations and rest requirements. Qualifying Operators shall satisfy the following criteria:

Short/medium haul operations.  
 No planned overnights.  
 No through the night flying.  
 Limited consecutive duty days.  
 Blocks of consecutive days free of duty (day off)  
 No time zone considerations (crew start and finish FDP in the same time zone).  
 Fixed early start/late start roster pattern.

**Definitions:**

For the purpose of this Certification Specification, the following definitions shall apply:

- (a) Short/medium haul operations – in excess of one sector planned to be completed within a single FDP and normally planned to start and finish at the same home base.
- (b) Fixed Roster – planned duty periods, flight duty periods, rest periods and blocks of consecutive days free of duty published 28 days in advance and updated 7 days in advance (note: last minute changes to duties may occur within the fixed roster pattern).
- (c) Through the night flying – FDP's that fully encompass the WOCL.
- (d) Early start – FDP starting before 11.00L
- (e) Late Start – FDP starting after 11:00L
- (f) Calendar year – fixed 12 calendar months e.g. 1<sup>st</sup> April to 31<sup>st</sup> March
- (g) Week – A 7 day period commencing at 00.00 on a Monday and finishing at 23.59 on the following Sunday, being a period of 168 hours.

**CS FTL.2.135 Maximum daily Flight Duty Period (FDP)**

- (a) Maximum daily FDP without the use of extensions.

The maximum daily FDP shall be 13 hours. These 13 hours shall be reduced by 30 minutes for each sector from the third sector onwards with a maximum total reduction of two hours.

Operators may, on the basis of scientific analysis, operational experience and with the approval of the Competent Authority may permanently move the penalties associated with the WOCL by +/- 60 minutes. This shall be referred to as an 'operator approved WOCL'.

Where the FDP starts in the Operator approved WOCL the maximum stated above will be reduced by 100% of its encroachment up to a maximum of 2 hours.

When the FDP ends or fully encompasses the Operator approved WOCL the maximum FDP stated above will be reduced by 50% of the encroachment.

(b) Maximum daily FDP with the use of extensions.

The maximum daily FDP can be extended by up to one hour subject to the restrictions below:

Extensions are not allowed for a basic FDP of 6 sectors or more.

Where the FDP encroaches on the operator approved WOCL by less than 2 hours extensions are limited to a maximum of 4 sectors.

Where the FDP encroaches on the operator approved WOCL by more than 2 hours extensions are limited to a maximum of 2 sectors.

The maximum number of extensions shall be 2 in any week.

Where an FDP is planned to use an extension pre and post flight minimum rest is increased by 2 hours or post flight rest only is increased by 4 hours.

Where an extension is used for consecutive FDPs the post and pre flight rest between the two operations shall run consecutively.

Where an FDP starts in the period 22.00 to 04.49 the FDP shall be limited to 11.45hrs.

(c) FDP with different reporting time for flight crew and cabin crew

In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.

### **CS FTL.2.140 Flight times and duty periods**

(a) The total duty periods to which a crew member is assigned shall not exceed:

- (1) 60 duty hours in any week
- (2) 190 duty hours in any 28 consecutive days.

(b) The total block time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 block hours in any 28 consecutive days;
- (2) 900 block hours in any calendar year.

(c) The total duty periods and total flight times referred to in (a) and (b)

above should be spread as evenly as practicable throughout their respective periods.

#### **CS FTL.1.155 Minimum Rest Period**

(a) Minimum rest period

The minimum rest period provided before undertaking a flight duty period shall be at least as long as the preceding duty period, or 10 whichever is the greater.

(b) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36 hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next. The second of those local nights may start from 20.00hrs if the weekly rest period has a duration of at least 40 hours.

#### **CS FTL.1.160 Un foreseen circumstances in actual flight operations – discretion by the pilot in command**

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and

(c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c)

and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b).

(b) The pilot in command should consult all crew members before deciding these modifications.

comment

736

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL –

Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

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comment 80

comment by: Rega / Swiss Air-Ambulance

#### **CS FTL.1 Basic Certification Specification for Commercial Air Transport (Aeroplanes)**

**Ingress:** Swiss Air-Ambulance is operating dedicated ambulance jets solely in the MEDEVAC and repatriation role (see background information at the end of the comment). Commenced ambulance jet MEDEVAC and repatriation operation decades ago with a mixed fleet consisting of Learjet 24/35, BAe-125 Hawker and Canadair CL-600/601 jets, Swiss Air-Ambulance operates now since 2002 a uniformed fleet of 3 dedicated Bombardier CL-604 Challenger ambulance jets fitted with a separated crew rest bunk for 2 pilots in single beds on top of each other.

Due to the specific type of Aeroplane Emergency Medical Service (AEMS) operation it is of utmost importance for Swiss Air-Ambulance to have the ability to conduct when feasible MEDEVAC or repatriation operations as so called "turn around" missions requiring corresponding Flight Duty Periods (FDP).

Reasons:

- Condition of the sick or wounded patient (time)
- Security issues at the destination (no possibility for a night stop for the crew)

Swiss Air-Ambulance has established in close cooperation with its jet pilots as employees, the flight safety department, the chief medical officer and the National Aviation Authority (FOCA) a dedicated "Flight and Duty Time Limitations and Rest Requirements" scheme for non-augmented and augmented flight operation which is for non-augmented crew in accordance with today's "EU-OPS Subpart Q".

After consultation with Mr. Herbert Meyer, EASA Evaluation Board Section Manager Large Aircraft and Mr. Virgilijus Valentukevicius, EASA Rulemaking Officer Ops, Humans Factors and Flight Time Limitations Rulemaking Directorate on the occasion of the EASA conference in Cologne/D on 11.03.2009 as well as with the Swiss NAA FOCA I hereby request to put the today in the Swiss Air-Ambulance Operations Manual A chapter 7 stipulated "Flight and Duty Time Limitations and Rest Requirements" for dedicated ambulance operations in place as alternative to the CS to PART-OR Section VIII "Flight and Duty Time Limitations and Rest Requirements".

The proposed alternative CS to PART-OR Section VIII "Flight and Duty Time Limitations and Rest Requirements" may be titled:

**Text to be added:**

## **CS FTL.2 Basic Certification Specification for dedicated Aeroplane Emergency Medical Service (AEMS) Operations**

### **CS FTL.2.100 Applicability**

CS.FTL.2 constitutes a flight time specification scheme in accordance with OR.OPS.330.FTL and is applicable for dedicated Aeroplane Emergency Medical Service operations (AEMS) in conjunction with the applicable requirements for flight and duty time limitations and rest requirements.

### **CS FTL.2.135 Maximum daily Flight Duty Period**

(a) Maximum daily FDP for a flight crew of 2 pilots without the use of extensions.

Rest of text as per draft text CS FTL.1.135; no change

### **CS FTL.2.136 Maximum daily Flight Duty Period for augmented Crew**

(a) Maximum daily FDP for a flight crew of 3 pilots (augmented crew).

The maximum basic daily FDP shall be 20 hours which shall be reduced by 2 hours for each sector from the fourth sector onwards up to a maximum of 8 sectors.

1 crew bunk must be available for the augmenting/resting flight crew member.

(b) Maximum daily FDP for a flight crew of 4 pilots (augmented crew).

The maximum basic daily FDP shall be 34 hours up to a maximum of 6 sectors.

2 crew bunks must be available for the augmenting/resting flight crew members.

When applying CS FTL.2.136 (a) and (b), extensions of the maximum FDP according CS FTL.1.135 (b) are not allowed.

When applying CS FTL.2.136 (a) and (b) and in addition to the minimum rest period, flight crew members are entitled for additional compensation time specified in the table below.

After missions containing more than one FDP, the claims for compensation time from each FDP will not be cumulative. Instead the FDP resulting in the biggest claim will be taken into account.

The compensation time will follow the rest period resulting at the end of the last FDP of a specific AEMS mission.

Number of Flight Crew Members	FDP in Hours	Compensation Time in Hours	
		Day, Note 1)	Night, Note 2)
2	9 - 13	0	12
	>13	6	18
3 (augmented flight crew)	13 - 15:59	6	18
	16 - 17:59	12	24
	>18	N/A	30
4 (augmented flight crew)	16 - 17:59	12	12
	18 - 23:59	N/A	24
	24 - 28:59		36
	>29		48

Note 1) **Day** No part of the FDP lies between 23:00 and 04:59 local time of the home base

time of the home base

If a mission lasts 3 calendar days or more, the claim for compensation time increases by 24 hours or specified in the table above whichever is higher.

#### **CS FTL.2.140 Flight times and duty periods**

Text as per draft text CS FTL.1.140; no change

#### **CS FTL.2.155 Minimum Rest Period**

Text as per draft text CS FTL.1.155; no change

#### **CS FTL.2.160 Unforeseen circumstances in actual flight operations - discretion by the pilot in command**

Text as per draft text CS FTL.1.160; no change

#### **Proof:**

- Swiss Air Ambulance intends to implement a Fatigue Management Risk System (FMRS) parallel to the implementation of EASA-OPS being part of the Safety Management System (SMS)
- With the introduction of the 3 dedicated Bombardier CL-604 Challenger ambulance jets a group of employed ambulance jet pilots in cooperation with the Flight Operations Manager (FOM) developed the under **CS FTL.2 Basic Certification Specification for dedicated Emergency Medical Service Operations** proposed FDP, rest period and compensation time scheme for Aeroplane Emergency Medical Service (AEMS) operations of Swiss Air-Ambulance. This after in depth analysis of the type of Aeroplane Emergency Mission Service (AEMS) operations Swiss Air-Ambulance conducts.
- The proposed scheme is well accepted not only by the pilots as employees but also by the the chief medical officer, the flight safety officer (FSO), the Accountable Manager (AM), the Flight Operation Manager (FOM) and the Swiss NAA FOCA and published is in the Swiss Air-Ambulance Operations Manual OM A chapter 7. **Find a signed proof of consent of the pilots as employees in Annex 1 of the added files.**
- Swiss Air Ambulance jet pilots conduct their stand-by duty at home with a "notification time" of between one and two hours depending on the type of stand-by duty assigned.
- During a period between April 2008 and March 2009 54% of the stand-by days put at the disposal of Swiss Air Ambulance were used to conduct Aeroplane Emergency Medical Service (AEMS) operations. Thus, the remaining 46% of stand-by days were spent at home on call by the pilots but without duty offering at least partially time for additional rest and recovery.
- Besides technical or training flights, all Swiss Air-Ambulance AEMS and HEMS missions are set up by order of in-house medical doctors and dictated by medical necessity. Swiss Air-Ambulance does neither conduct so called "corporate flights" nor scheduled or unscheduled line flights.
- Swiss Air-Ambulance has its 3 dedicated Bombardier CL-604 Challenger ambulance jets voluntarily and optional fitted with a comprehensive Flight Data Monitoring (FDM) system in compliance to OR.OPS.201 AOC and AMC OR.OPS.201.AOC. This, although the MTOW of the dedicated

Bombardier CL-604 Challenger ambulance jet is well below 27'000kg.

- Swiss Air-Ambulance operates dedicated AEMS ambulance jets since 1973 accumulating during this time period several 10'000 flight hours.
- The Swiss Air-Ambulance Flight Safety Officer (FSO) Jet confirms, that since 1973 no accident or incident was related to fatigue of the flight crew members. **See Annex 2 of the added files.**
- Swiss Air-Ambulance has fitted its 3 dedicated Bombardier CL-604 Challenger ambulance jets with 2 crew bunks in the front part of the aeroplane in lieu of the galley in a single bed configuration with beds on top of each other. The dimensions of each bed are 193cm x 70cm (length x width). The crew bunks are light shaded to the aisle of the aeroplane and noise/temperature insulated to the hull of the aeroplane. The crew bunk area is separated by heavy fabric curtains from the cabin and entry stair area of the aeroplane.
- The galley of the dedicated Bombardier CL-604 Challenger ambulance jets is installed in the aft of the cabin and equipped to serve hot and cold meals to (augmenting) flight crew members.
- The dedicated Bombardier CL-604 Challenger ambulance jets are equipped with a flush toilet and a warm and cold water outlet.

**Background:**

Swiss Air Ambulance is a subsidiary of Rega, Switzerland's national air-rescue organisation, which was founded in 1952. Swiss Air Ambulance can draw on decades of experience and the expertise of professional teams to provide competent, comprehensive assistance in the event of medical emergencies all over the world operating besides 13 dedicated HEMS helicopters 3 dedicated Bombardier CL-604 "Challenger" ambulance jets with a range of 3'500 NM. Its services range from providing medical advice to repatriating patients to/from Switzerland or any other point of the world. Swiss air-ambulance is a private, non-profit organisation, which operates in accordance with the guiding principles of the Red Cross. It comes to the aid of people in distress, without respect of their nationality, religious convections or social status. Swiss air-ambulance operates under the Air Operator Certificate CH-AOC-No.1015 issued by the Federal Office of Civil Aviation Switzerland (FOCA) and is compliant with EU-OPS. Please visit [www.rega.ch](http://www.rega.ch)

comment

737

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

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comment

265

comment by: *ECA - European Cockpit Association*

Comment on CS FTL.1:

Review entire CS in the light of scientific evidence.

In particular, introduce provisions for augmented crew.

Justification:

EASA has revealed the results of the scientific study on EU OPS it was mandated to produce. It is within its scope of competence to review these provisions in the light of the study's statements.

As it is proposed, CS.FTL is not compliant.

comment 408

comment by: *Ryanair*

### **Proposed new CS FTL.XXX – Split Duty**

#### **Comment**

The current proposal makes no provisions for split duty periods primarily used by operators to recover an aircraft to base.

#### **Proposal**

##### **Split Duty**

When an FDP consists of two or more sectors but separated by less than a minimum rest period, the FDP may be extended by the amounts indicated below:

Consecutive Hours Rest	Maximum Extension of FDP
Less than 3 hours	Nil
3 – 9.59 hours	A period equal to half the consecutive rest taken

The rest period shall not include the time allowed for immediate post flight duties and pre-flight duties which is a combined minimum total of 30 minutes.

When the rest period is less than 6 hours, adequate facilities must be provided e.g. day room or, a quiet comfortable place which is not open to the public, airport airline activity or other disturbance.

When the rest period is 6 hours or more suitable accommodation must be provided.

comment 738

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1226

comment by: *Sven Freisenich*

Attachment [#29](#)**CS FTL.1 Basic Certification Specification**

for Commercial Air Transport – Aeroplanes – alternate proposed by LTU

comment

1750

comment by: *Jill Pelan***CS FTL SECTION VIII****The CFDT France** note in Point 56 of NPA 2009 - 02A that :

"To maintain the necessary level of flexibility it is imperative that only essential safety elements are contained in the rule, **leaving nonessential implementation aspects to CS or AMC**, so as to provide for a sufficient flexibility as required by the principle of subsidiarity. "

**THE CFDT UNION, ACTIVE MEMBER OF E T F C ABIN CRE W , H AVE ALWAYS F OUGHT FOR R ECOGNITION OF CABIN CREW AS SAFETY PROFESSIONALS . AS S UCH, T HE C FDT DEMANDS TH AT ALL FLIGHT AND DUTY LIMITATIONS AND REST REQUIREMENTS BE REGARDED AS "ESSENTIAL SAFETY ELEMENTS". THIS REQUIRES THAT THEY BE CHANGED INTO I.R. MATERIAL**

comment

3167

comment by: *Irish Aviation Authority*

Comment:

There has been no equivalent CS.FTL produced for Commercial Air Transport (Helicopter). This section should be replicated with the figures applicable to operation of helicopters substituted where appropriate.

Justification:

Provision of important information for Commercial Air Transport (Helicopter) operations.

comment

3317

comment by: *cfdt france***CS FTL SECTION VIII****The CFDT France** note in Point 56 of NPA 2009 - 02A that :

"To maintain the necessary level of flexibility it is imperative that only essential safety elements are contained in the rule, **leaving nonessential implementation aspects to CS or AMC**, so as to provide for a sufficient flexibility as required by the principle of subsidiarity. "

**THE CFDT UNION, ACTIVE MEMBER OF E T F C ABIN CRE W , H AVE ALWAYS F OUGHT FOR R ECOGNITION OF CABIN CREW AS SAFETY PROFESSIONALS . AS S UCH, T HE C FDT DEMANDS TH AT ALL FLIGHT AND DUTY LIMITATIONS AND REST REQUIREMENTS BE REGARDED AS "ESSENTIAL SAFETY ELEMENTS". THIS REQUIRES THAT THEY BE CHANGED INTO I.R. MATERIAL**

comment

3512

comment by: *BMW AG*

As one method to comply with OR.OPS.230.FTL (b)(2) an additional CS for

non-commercial air transport with complex motor-powered aircraft is suggested. It is the current German 2.DV LuftBO, update published April 15th, 2009.

comment 3527 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

All Subpart Q (EU-OPS) must be switched to IRs through the creation of a chapter 4 : "Commercial airplane transport". This include the table, rest requirements and captain discretion. The provisions of article 8.4 regarding rest opportunities should be in CS though.

**Proposal**

We propose the following changes : the creation of a new part that would lead to the following outline: chapter 3: "commercial operators", chapter 4: "aeroplane commercial operators" and so another chapter would be added : chapter 5 "helicopter commercial operators"

**Justification**

This would be the best solution for operators in terms of consistency and flexibility.

comment 3608 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

The Basic Regulation 216/2008 in its article 22 (2.a) states that : "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". Moreover European commission letter (05JUN09, DGA/TREN F3/AHA/MS vp D(2009) 55160) states that : "it is a paramount importance to guarantee that the implementing rules to be adopted in this field reproduce the existing relevant legislation (EU-OPS Regulation 3922/91). This will ensure continuity and coherence with such legislation and therefore more certainty for the industry". Our comments are also motivated by the continuity of subpart Q that was acceptable by all european operators. The FNAM proposal is a mix of EASA options 1 and 2. Its objective aims at: the maintain essential requirements of subaprt Q that were accepted by most of european operators; ensuring that legal certainty is kept and let EASA offer the necessary flexibility to adapt the regulation to all types of operations;

comment 3723 comment by: *Bristow Helicopters*

No reference to helicopter operators. Current text provides no reference to aspects of fatigue management that are specific to helicopter operations or typical operating environments. For example, operations in the offshore oil support sector require consideration of issues such as the wearing of survival suits, multiple sectors, inability to leave the cockpit in flight, etc. Additionally, the nature of the industry requires consideration of FTLs relating to Offshore and Remote Site type operations, Emergency/Night flights made by CAT crews. There is also a requirement to consider how FTL should be governed in

operations where pilot are involved in 'mixed' duties, flying both aeroplanes and helicopters. We propose the use of existing UKCAA document CAP371 as the basis for helicopter FTL CS.

comment 3921 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

**CS FTL.1 Basic Certification Specification**

for Commercial Air Transport – Aeroplanes – alternate proposed by Air Berlin

comment 3958 comment by: *ANE (Air Nostrum) OPS QM*

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserve the right to come back to EASA on Section VIII once the options issue has been settled.

We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that we would welcome Industry participation.

**C. IV. Draft Decision (CS) Part-OR - Subpart OPS - Section VIII - CS  
FTL.1.100 Applicability**

p. 33

comment 740 comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1227 comment by: *Sven Freisenich*

**CS FTL.1.100 Applicability**

CS FTL.1 constitutes a flight time specification scheme in accordance with OR.OPS.330.FTL and is applicable for commercial air transport operations (aeroplanes) in conjunction with the applicable requirements for flight and duty time limitations and rest requirements.

comment 1438 comment by: *Unionen/Sweden*

The same rest and duty requirements shall be applicable for cabin and flight crew.

*The tasks of cabin crew require a high level of alertness and cognitive performance to ensure safety and adequate response especially in non-routine situations. From the viewpoint of general health and physiological needs, the same requirements for cockpit and cabin crew should be applied.*

comment 3922 comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

**CS FTL.1.100 Applicability**

CS FTL.1 constitutes a flight time specification scheme in accordance with OR.OPS.330.FTL and is applicable for commercial air transport operations (aeroplanes) in conjunction with the applicable requirements for flight and duty time limitations and rest requirements.

**C. IV. Draft Decision (CS) Part-OR - Subpart OPS - Section VIII - CS  
FTL.1.135 Maximum daily Flight Duty Period (FDP)**

p. 33-34

comment 6 comment by: *AIR SAFETY GROUP*

1. **CS FTL.1.135 (a) - C hange maximum daily FDP from 13 shown to 12 as per Moebus Scientific Review.**

2. **Using 06. 00 h ours 'best start' time means waking u p an d travelling to work in the WOCL period. The best start time for both tables should be 08.00 hours at the very earliest and even that will probably require getting up at or be fore 06.00 hrs. The other end of both the tables to be 05.30 - 07.59 hrs.**

3. **(b) - Extensions to any FDP and/or reductions of any rest period must never be imposed upon crew members by the operator. It is up to the crew members concerned to decide on any extension by use of Commander's discretion after taking note of the circumstances of all other crew members.** (Note: If a fatigue related incident or accident occurs when an extension of an hour is demanded and imposed by the operator, against the better judgement and wishes of the crew members, who then becomes responsible and liable?)
4. **(c) If Cabin Crew are allowed to extend FDP by up to an hour, then they will need an extra hour's rest and the next FDP for the crew as a whole (Flight and Cabin Crew) will need to be delayed to account for this. Is this the intention?**
5. **CS FTL.1.140 (a) Suggest add in '1 00 duty hours in any 14 consecutive days' and '2000 hours in any 12 consecutive calendar months' in order to comply with the WTD and have all the limitations in one place and readily available for reference.**
6. **(c) - Use of the word 'should' will mean that it may not, indeed probably will not always occur unless that word is changed to MUST and sanctions will be applied to any operator who fails to carry out the intention here.**
7. **CS FTL.1.155 Minimum Rest Period. (b) - Some confusion here as to what is being proposed, as OR OPS.001.FTL PARA 41 (c) quotes minimum rest periods of at least 14 hours to be provided when away from Home Base. What is the intention? Propose an absolute minimum rest away from home base as 12 hours or length of previous duty, whichever is the greater. This may, by Commander's Discretion, be reduced to a minimum of 10 hours rest in the allocated room.**
8. **(c) - There must be a minimum number of Days Off included here of at least 7 in any 28 consecutive days and it is suggested that the average should be at least 8 in any 28 days averaged over 3 x 28 day periods.**
9. **CS FTL.1.160. (a) (2) - there does not appear to be CS FTL.1.135 (d)??**
10. **(a) (3) and (4) provides for an unacceptable open ended FDP, which could prove excessive and lead to fatigue. This may then be followed by an unacceptable reduction in the subsequent rest period. There can always be some justification for extending the FDP to complete the delayed schedule, but there can never be any justification to allow commercial pressure to reduce the subsequent rest period such that inadequate recovery takes place prior to the next FDP. Para (4) should be deleted.**
11. **(b) What happens if the Pilot in command consults with all crew members and opinion as to whether or not some or all members are too fatigued to continue is divided? What if only one cabin crew member is too fatigued to continue? A far better phraseology might be for the Pilot in Command to 'take note of the circumstances of all crew members' before deciding etc.....**

comment 210

comment by: *Eurowings Luftverkehrs AG*Attachment [#30](#)

This sentence does not limit the reduction for more than 5 sectors. In EU-OPS the reduction because of the amount of legs is for "a maximum total of two hours". This definition here does not conform with the table below. Careful reading of the second part of the sentence shows, that the table has only to be taken into account when the WOCL is encroached. Here in the table we find a maximum of reduction for "5 legs or more". This has to be stated in the first part of the sentence as well, like in EU-OPS e.g.: "with a maximum total of 1,5 hours".

The table itself is helpful as current regulations leads to different interpretations and accounting is complicated. The procedures of calculating the average is acceptable. But once again: EASA stated there are no changes to the current regulations. However: the Comparison between the actual maximum FDP and the values of the table give a clear difference for all duties starting in the afternoon. As an example for 4legs the maximum FDP may be up to 1 hour less than actual! There is no reason to do this.

Same applies to sentence (b).

comment

267

comment by: *ECA - European Cockpit Association*

Comment on CS FTL.1.135: Introduce provisions for extension of FDP due to in-flight rest period in line with Moebus study results, as follows:

**(d) FDP extension due to effective in-flight rest period.**

**In case of in-flight rest period, maximum daily FDP should be extended in accordance with the following :**

	<b>Acclimatized</b>	<b>Unacclimatized</b>
<b>Bunk facility</b>	<b>75%</b>	<b>50%</b>
<b>Business Seat</b>	<b>60%</b>	<b>40%</b>
<b>Flight Deck/other seat</b>	<b>25%</b>	<b>20%</b>
<b>Economy Seat</b>	<b>No extension</b>	<b>No extension</b>

Justification:

Align with latest scientific evidence (Moebus Study).

comment

313

comment by: *Loganair Limited*

No consideration is given for "short hop services" (Usually inter Island) in simple types of Single Pilot Aeroplane. "Short hop services" are usually VFR "lifeline services" in aircraft such as the BN2 with sector lengths from 2 minutes up to 15 minutes. Pilots can currently operate up to 20 or more sectors per day under the provisions of the UK FTL scheme, with adequate provision of a rest break.

Eg An FDP of 10 hours with a 1hr 30 minute rest break, or 9 hours with a 1 hour rest break restricted restricted to 0700 to 2300 local time.

The current proposal would increase manpower costs prohibitively and may need to the loss of these Public Service Obligation lifeline services, which have a proven record of not having a fatigue problem.

Provision is required under this part to allow continuation of these services under existing arrangements.

comment

405

comment by: *Ryanair***CS.FTL.1.135 (a) – Maximum Daily Flight Duty Period (FDP) without the use of extensions****Comment**

To comply with the revised definition of the WOCL throughout the IR and the CS the text below must be added as a footnote to the maximum daily FDP Table

**Proposal**

The 'Start of FDP' times may be changed by +/- 60 minutes as required by an operator approved WOCL

**CS.FTL.1.135 (b) – Maximum Daily Flight Duty Period (FDP) with the use of extensions****Comment**

Based on operational experience with EU-OPS and to avoid confusion between Commanders Discretion and planned extensions the title of this CS should be as below

**Proposal**

**(b) Maximum Daily Flight Duty Period (FDP) with the use of extensions planned in advance**

**Comment**

In addition, to comply with the revised definition of the WOCL throughout the IR and the CS the text below must be added as a footnote to the maximum daily FDP Table with the use of extensions planned in advance

**Proposal**

The 'Start of FDP' times may be changed by +/- 60 minutes as required by an operator approved WOCL

comment

460

comment by: *Condor Flugdienst GmbH - FRA HO/R*

According to Condor Flugdienst GmbH, the table is mostly more limiting than the subpart Q calculation. By not interpolating but summarizing values the stepping values tend to jeopardize traceability.

**Suggestion:** Delete the table and replace it. The German Aviation Authority (LBA) recommended a table which fixes the mentioned weaknesses (number of landing and encroaching the WOCL). The wording "This table will simplify rostering process " is not correct.

Compressing step of 30 minutes in the proposed table results in significant differences of max. FDP and causes problems in regards to slot allocation. e.g.: CKI 04:29 = max. FDP of 11:15, but CKI 04:30 = max FDP of 11:45 The WOCL and which deductions are caused by the WOCL are not defined.

comment

578

comment by: *RAF-AVIA Airlines*

Extended FDP (split duty).

1) FDP consists only of two duties separated by one break, defined and notified

to the crew members in advance. An operator may increase the allowable planned flight duty period prescribed in the Table below:

Consecutive hours break	Increase FDP
0 hrs – 2 hrs 59mins	NIL
3 hrs – 6 hrs 59mins	0.5 length of break
7 hrs – 10hrs 59mins	0.66 length of break

(a) It shall be ensured that the parts of the flight duty period before and after the break do not exceed 10 hours, and the total flight duty period, as increased in accordance with the table above, does not exceed 20 hours.

(b) The split duty time is not allowed to be combined with using extended flight crew or allowed extended flight duty time.

(c) If the break is 6 hours or more or covers 3 hours or more within the period from 22.00 to 06.00 local time in the place where it occurs, suitable accommodation shall be provided.

(d) If suitable accommodation is provided, the duration of break needs to be included in the rest period calculation.

(e) A flight duty period can be split by a break, which is at least 4 hours long and starts not earlier than 30 min. after the engines are shut down and finishes not later than 45 min. before start of the flight, in case flight duty time prolongation has not been planned in advance.

2) The Authority may grant approval to an operation based on an extended FDP including a break, subject to the provisions of Article 8.

3) Each operator will have to demonstrate to the Authority, using operational experience and taking into account other relevant factors, such as current scientific knowledge, that its request for an extended FDP produces an equivalent level of safety.

comment

678

comment by: *easyjet safety*

Comment: This does not take into account the situation where the different reporting time places the cabin crew into a different "Start of FDP" band.

Proposal: "In cases where the cabin crew require more time than the flight crew for their pre flight briefing in respect of the same flight or series of flights the FDP of the cabin crew may be extended by a maximum of 60 minutes to correspond with the maximum allowable FDP of the flight crew."

comment

741

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment

1115

comment by: AEA

**Comment:**

The table does not correspond to the text of CS.FTL.1.135 and it does not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. This is completely unacceptable to AEA since it would have significant cost impact (up to 40 minutes reduction in the max FDP) for no safety justification. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:**

Delete the table.  
Realign with EU-OPS Subpart Q.

comment

1116

comment by: AEA

**Relevant Text:**

c) FDP with different reporting time for flight crew and cabin crew

In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes

**Comment:**

The wording is different from EU-OPS (reference to the same flight is more restrictive than EU-OPS). In order to avoid any misunderstanding the AEA suggest sticking to the EU-OPS wording.

**Proposal:**

For cabin crew being assigned to a flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between cabin crew and flight crew, as long as the difference does not exceed one hour.

comment

1154

comment by: ECA - European Cockpit Association

Comment on CS FTL.1.135(a):

Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the ~~third~~ **second** sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

Justification:

Latest scientific knowledge must be observed when limiting the max. daily duty and flight duty period. We do not see this in CS FTL.1.135. Especially we request to introduce the concept of acclimatization when limiting the daily FDP.

The provisions (Table) for the maximum basic FDP of up to 13 hours are not in keeping with the body of scientific evidence and shall be amended to meet the following requirements:

13-hour FDPs are only acceptable under specific conditions.

The FDP for minimum crew should not exceed 10 hours overnight.

The maximum FDP shall be reduced by 30 minutes per sector for every sector after the first.

The maximum FDP should be reduced for non-acclimatized crew.

CS FTL.1.135 states a reduction "...up to a maximum of two hours" which is not correctly represented in the table. Formally correct "5 sectors +" should have been "5 sectors" and "6 sectors +" should have been added. However, since the scientific evaluation supports a deduction from the second sector onwards the table's schematic may stay as it is, just the limits should be changed.

Note: The tables as given under (a) and (b) do not provide a full 2 hour deduction due to the number of sectors as a column for 6 sectors is missing. However, since the deduction for sectors shall be applied from the second sector onwards an additional column is not required.

comment 1155 comment by: *ECA - European Cockpit Association*

Comment on CS FTL.1.135(b):

This paragraph should be deleted in accordance with the Moebus Aviation Study. See answer of the scientific evaluation below.

Justification:

Scientific evaluation Question 3

The use of rostered extensions including the mitigation measures (ref EU OPS 1.1105 para 2) should be deleted.

comment 1156 comment by: *ECA - European Cockpit Association*

Comment on CS FTL.1.135:

EASA should draft appropriate rules on split duties in line with the Moebus Scientific evaluation, which has the following recommendation for scheduling "split duty":

1. The break between the two sub-duties should be at least one third of the length of the total flight duty period;
2. Adequate sleeping facilities must be provided by the operator if the break does not take place where the crew lives;
3. The total flight duty period of a split duty should never start before 06:00 or end after 22:00;
4. In the case of consecutive split duties, the total FDP of a split duty should never be extended beyond 14 hours in order to allow an absolute minimum of 10 hours daily rest;
5. Consecutive split duties with reduced daily rest time must be accompanied by an FRMS that includes training of crews and a reporting system. Our response is limited to split duties that extend the FDP beyond 12 hours. For split duties that do not extend the FDP, we have assumed that Ops 1.1095 paragraph 1.3 applies to the break between the two sub-duties.

comment 1157 comment by: *ECA - European Cockpit Association*

Comment on CS FTL.1.135: Add paragraph to give provision for augmented crew operation.

Justification:

Augmented Crew Operation has been left out, but it is related to how to extend the maximum FDP as described in CS FTL.1.135 (a), (b) and (c).

The guidelines for the application of augmented crew operation shall follow strictly the findings as lined out in the TNO- Report (TNO-V 2007C363)

comment

1159

comment by: ECA - European Cockpit Association

Comment on CS FTL.1.135:  
Add new paragraph to introduce provision for mixed duties as follows:

**Relations between flight duty period and duty period**

**When a crew member is required to report for duty in advance of the stipulated report time for a scheduled flight to carry out a task at the behest of the company, then the time spent on that task shall be part of the subsequent FDP. The FDP limit shall be calculated on the base of the earlier reporting time.**

Justification:

This is to ensure that crew members are not fatigued when starting a FDP directly after activities like simulator or administrative tasks.

comment

1162

comment by: ECA - European Cockpit Association

Comment on CS FTL.1.135(c):

Moebus Study:

Cabin crew members are more fatigued and therefore the same duty and rest requirements should be applied for both flight crew and cabin crew. It is recommended that an extension of the FDP of cabin crew with 30 minutes (to cater for the pre-flight briefing of cabin crew), would necessitate an adjustment of the rest period for cabin crew.

comment

1225

comment by: Sven Freisenich

Attachments [#31](#) [#32](#) [#33](#)

FDP (a)

It is not possible to verify the values and the logic of the table, because the original rules are not part of the text. For example: Is the 50% WOCL-correction taken into account?

The table is in general more restrictive than EU-OPS subpart Q, sometimes EASA allows a longer FDP:

- the actual FDP is not used to calculate the maximum allowable FDP;
- the sector correction is applied after the WOCL correction;
- the 50% correction when encroaching the WOCL is not always applied correctly;

by using time brackets for reporting on duty times the max. FDP has in some instances been reduced.

The safety arguments for the following adjustments are lacking:

The sector correction is reduced from maximum daily FDP after the WOCL-correction (the values in columns 3, 4 and 5 is not correct and contradictory with the EU-OPS 1.135 (a));

When calculating the WOCL-correction, a sliding scale is used. This is not taken into account when using brackets of 30 minutes;

When you calculate a FDP of 11.55 starting at 16.15, this gives  $16.15 + 11.55 = 28.10 = 04.10$ . This gives 2.10 in WOCL so max FDP  $13.00 - (130/2) = 11.55$

The max FDP for a start at 16.15 for 2 sectors is 11.55 i.s.o. 11.25 in table.

When the FDP ends in the WOCL, there is an optimization of calculation required:

Start at 17:15 and 5 sectors gives 10:35 max FDP, so end at 03:50

$13:00 - 01:30$  (3 sectors) –  $00:55$  (  $1:50$  in WOCL /2) = 10:35

Table in NPA gives 09:30 (=wrong way of calculating)

A step of 30 minutes will result in significant differences in calculated FDP causing problems with availability of airport slots.

LTU proposes to delete the 30-min table and replace it by a 5-min step table based on EU-OPS1.1105.

### **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(a) Maximum daily FDP without the use of extensions

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached. The calculated Basic FDP is specified in **Table A**. The start of FDP is expressed in the WOCL time zone as per OR.OPS.010.FTL(o).

Table A has been calculated in accordance and in the sequence of EU-OPS as shown in attached **Flowchart**.

The calculation method to ensure that the Maximum FDP is reduced by 50% of the calculated Basic FDP is explained in attached **Memo**.

The differences between Table A and EASA CS FTL.135(a) are shown in attached **Graph A**.

FDP (b)

Following the sequence of the rules, the WOCL has been taken into account at the beginning. Therefore, extensions are not influenced anymore by the WOCL. Per EU-OPS, the maximum daily FDP can be extended by up to one hour per EU-OPS1.1105.1.

### **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(b) Maximum daily FDP with the use of extensions.

The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further limited to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours. The calculated Extended FDP are specified in **Table B**. The start of FDP is expressed in the WOCL time zone as per OR.OPS.010.FTL(o). Flights departing between 22:00 and 05:00 are limited to 11:45.

The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre flight and post flight rest periods are increased by two hours, or post flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.

Table B has been calculated in accordance and in the sequence of EU-OPS as shown in attached **Flowchart**. The one hour extension is only added when permitted by the WOCL encroachment of the Basic FDP for the number of sectors.

The differences between Table B and EASA CS FTL.135(a) are shown in attached **Graph B**.

FDP (c)

The added word 'same' makes this article more restrictive. The safety argument for this adjustment is lacking.

Delete the word "same" and add:

"(d) For the determination of the maximum FDP of the cabin crew the reporting time of the flight crew shall be assumed to be the reporting time of the cabin crew."

### **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(c) FDP with different reporting time for flight crew and cabin crew in cases where cabin crew require more time than the flight crew for their pre-flight briefing for the flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.

(d) For the determination of the maximum FDP of the cabin crew the reporting time of the flight crew shall be assumed to be the reporting time of the cabin crew.

Motivation: Cabin crew shall never be the limiting factor with respect to FDP.

If the reporting time of the cabin crew is used to determine the maximum FDP, it could be that in certain instances the cabin crew will still be more restrictive by as much as one hour w.r.t. the flight crew.

Eg.: Cc. reports at 04:00; Fc. reports at 05:00. Cc. max FDP will be 11:15 + 01:00 = 12:15 i.e. latest reporting off time 16:15; Fc max FDP will be 12:15 i.e. latest reporting off time 17:15.

comment

1287

comment by: *Dassault Aviation*

Technical comment:

Page 33 CS.FTL.1.135 Maximum daily FDP: The calculation requires an adapted software as it seems too complex to use on a daily basis, especially for small operators who do not have a department devoted to flight operations.

comment

1302

comment by: *UK CAA*

**Page No:** 33

**Paragraph No:** CS FTL 1.135 (a)

**Comment:** The use of a table to calculate "Maximum daily FDP" is fully supported. Unfortunately the published table contains errors. It is assumed that the table will be checked and corrected during the proposed "rulemaking task".

**Justification:** Unintended typographical errors

comment 1385

comment by: SCCA/ head of health and safety

1)

- **The maximum basic FDP shall be limited to 13 hours and reduced by 30mn per sector forevery sector aft er the first. As there is limited information on the effect of more than four sectors on fatigue, further studies are required to determine a sensible reduction of FDP when more then 4 sectors are programmed.**
- **Consecutive night duties exploiting the maximum FDP to its full extent disrupt the normal sleep pattern. These should be limited in number or th e maximum FDP should be re duced in order to avoid the development of cumulative fatigue.**
- **In order t o facilit ate the oper ation of long-h aul and ultra long-haul flights the foll owing extensions on maximum FDP may be granted provi ded t he following on board rest facilities are available for all crew members and the number of cabin crew is increased (au gmented) t o ensure th at the legally r equired minimum of cabin crew is on duty at all times:**

**a) Rest in a bunk shall result in an extension of the unau gmented maximum FDP of up to 50% of the rest period. The bunk facility should be completely separated from cockpit and passenger compartment and should be adequ ately insulated and situated to minimize random and aircraft n oise and light. It shall cont ain good qualit y hori zontal sleeping surface(s) of adequate size for each resting crew member.**

**b) Rest in a business seat shall result in an extension of the unaugmented maximum FDP of up to 40% of the rest period. A business seat shall be a seat reclining to at least 40° back angle to the vertical, and shall be screened off from the passengers and cabin. The seat shall offer sufficient leg and foot support and should have sufficient pitch and width to rest comfortably. A business class for each resting crew member shall be provided.**

Rest on board shall be organized in a way that allows all cabin crew members the same amount of rest.

Any other in- flight rest arrangements (economy class seats, reclining jump seats, etc) shall not lead to the extension of the maximum FDP.

- **FDP's starting, encompassing or ending in the WOCL should not exceed 10 hours, u nless in flight rest facilities (see above) and augmented crew are provided.**
- **The n umber of con secutive duties st arting or endin g in the WOCL should be limited.**
- **Alternating early start, day and night duty should be avoided.**
- **Subsequently, a post flight rest period that includes at least one local night shall be granted A duty is an Early- Start Duty if it commences in the period 0500 to 0659 hours local time.**
- **When sch eduling early- st art duties (before 7.00 am) , st art**

**times shall not be advanced on consecutive days (i.e. if duty start times change from day to day they should start later rather than earlier).**

comment 1387

comment by: SCCA/ head of health and safety

**1) The same rest and duty requirements shall be applicable for cabin and flight crew.**

The tasks of cabin crew require a high level of alertness and cognitive performance to ensure safety and adequate response especially in non-routine situations. From the viewpoint of general health and physiological needs, the same requirements for cockpit and cabin crew should be applied.

comment 1442

comment by: Unionen/Sweden

- **The maximum basic FDP shall be limited to 13 hours and reduced by 30mn per sector or for every sector after the first. As there is limited information on the effect of more than four sectors on fatigue, further studies are required to determine a sensible reduction of FDP when more than 4 sectors are programmed.**
- **Consecutive night duties exploiting the maximum FDP to its full extent disrupt the normal sleep pattern. These should be limited in number or the maximum FDP should be reduced in order to avoid the development of cumulative fatigue.**
- **In order to facilitate the operation of long-haul and ultra long-haul flights the following extensions on maximum FDP may be granted provided the following on board rest facilities are available for all crew members and the number of cabin crew is increased (augmented) to ensure that the legally required minimum of cabin crew is on duty at all times:**

*a) Rest in a bunk shall result in an extension of the unaugmented maximum FDP of up to 50% of the rest period. The bunk facility should be completely separated from cockpit and passenger compartment and should be adequately insulated and situated to minimize random and aircraft noise and light. It shall contain good quality horizontal sleeping surface(s) of adequate size for each resting crew member.*

*b) Rest in a business seat shall result in an extension of the unaugmented maximum FDP of up to 40% of the rest period. A business seat shall be a seat reclining to at least 40° back angle to the vertical, and shall be screened off from the passengers and cabin. The seat shall offer sufficient leg and foot support and should have sufficient pitch and width to rest comfortably. A business class for each resting crew member shall be provided.*

*Rest on board shall be organized in a way that allows all cabin crew members the same amount of rest.*

*Any other in-flight rest arrangements (economy class seats, reclining jump seats, etc) shall not lead to the extension of the maximum FDP.*

- **FDP's starting, encompassing or ending in the WOCL should not exceed 10 hours, unless in flight rest facilities (see above) and augmented crew are provided. The number of consecutive duties starting or ending in the WOCL should be limited. Alternating early start, day and night duty should be avoided. Subsequently,**

**a post flight rest period that includes at least one local night shall be granted**

*A duty is an Early- Start Duty if it commences in the period 0500 to 0659 hours local time.*

- **When scheduling early- start duties (before 7.00 am) , start times shall not be advanced on consecutive days (i.e. if duty start times change from day to day they should start later rather than earlier).**

comment

1584

comment by: *British Airways*

The start time of the FDP in the tables – does this refer to Local Time?

The 24 hour period is split into too many incremental stages making the table overly complicated. When using the table there is a need to first compute the effect of the number of sectors before applying the WOCL.

We do support the principle that two sector operations have the same FDP limit as a single sector.

Currently CAP 371 permits that Cabin Crew are allowed an additional hour to their FDP limit compared to Flight Crew. This removes the requirements set out in item (c).

The FDP limits for Cabin Crew between 1800-0559 are more restrictive than our current Scheme and would impact our in-flight rest requirements on services departing during this period. There isn't any safety justification for Cabin Crew in making this more constrained.

Additionally Cabin Crew can extend their allowable FDP if they meet the following conditions:

14:00 shall be substituted for the figure derived from BA Scheme table C when the following conditions are met:

The duty is a single sector operation, and a day off (minimum of 34 hours) is planned immediately prior to and after the FDP, and on return to base at least 3 consecutive days off are given, and the local reporting time is between 18:00 and 05:59, and on board rest provisions are provided.

Info is missing on how to extend the FDP by use of a) Augmented Crews & b) Split Duties.

comment

1618

comment by: *TAP Portugal*

**Comment:**

The table does not correspond to the text of CS.FTL.1.135 and it does not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. This is completely unacceptable to AEA since it would have significant cost impact (up to 40 minutes reduction in the max FDP) for no safety justification. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:**

Delete the table.

Realign with EU-OPS Subpart Q.

comment

1619

comment by: TAP Portugal

**Relevant Text:**

c) FDP with different reporting time for flight crew and cabin crew

In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes

**Comment:**

The wording is different from EU-OPS (reference to the same flight is more restrictive than EU-OPS). In order to avoid any misunderstanding the AEA suggest sticking to the EU-OPS wording.

**Proposal:**

For cabin crew being assigned to a flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between cabin crew and flight crew, as long as the difference does not exceed one hour.

comment

1752

comment by: Jill Pelan

**CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

**CFDT France & ET F Comment: The provisions on maximum daily FDP should be reflected in IR.**

Reason: Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a).

~~(b) Maximum daily FDP with the use of extensions:~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below:~~

~~...~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre flight and post flight rest periods are increased by two hours, or post flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

**Comment:** Delete point (b) **As the CFDT remarked in OP OPS 335 FTL FDP the 13 hour Maximum Daily FDP should be reduced after the FIRST sector ..**

Reason: Taking into account latest scientific evidence, the MOEBUS study

recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

**Comment:** The provisions on maximum daily FDP should be reflected in IR. FTL tables should be amended accordingly.

**Reason:** The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)); the MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study).

(c) FDP with different reporting time for flight crew and cabin crew

~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

**Replace:** In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

**Reason:** In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

comment

1778

comment by: Sean Butler, bmi

**Page: 33 Section: CS FTL.1.135 Maximum Daily Flight Duty Period (FDP)**

Relevant Text: Table (a)

**Comment:** The table is more restrictive than EU-OPS Subpart Q. This is completely unacceptable to AEA. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:** Either re-introduce the text of EU-OPS or introduce a revised table which complies with the original text.

comment

1779

comment by: Sean Butler, bmi

**Page: 34 Section: CS FTL.1.135 (c) FDP with different reporting time for flight crew and cabin crew**

**Relevant Text:** In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes

**Comment:** The wording is different from EU-OPS. In order to avoid any misunderstanding the original EU-OPS wording should be used.

**Proposal:** For cabin crew being assigned to a flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between cabin crew and flight crew, as long as the difference does not exceed one hour

comment 1818

comment by: KLM

Relevant Text: Table (a)

**Comment:**

The table does not correspond to the text of CS.FTL.1.135 and it does not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. This is completely unacceptable to AEA since it would have significant cost impact (up to 40 minutes reduction in the max FDP) for no safety justification. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:**

Delete the table. Realign with EU-OPS Subpart Q (through simply copy and paste of the EU-OPS text).

comment 1819

comment by: KLM

**Section:** CS FTL.1.135 (c) FDP with different reporting time for flight crew and cabin crew

Relevant Text: In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes

**Comment:**

The wording is different from EU-OPS (reference to the *same* flight is more restrictive than EU-OPS). In order to avoid any misunderstanding the AEA suggest sticking to the EU-OPS wording.

**Proposal:**

For cabin crew being assigned to a flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between cabin crew and flight crew, as long as the difference does not exceed one hour

comment 1856

comment by: *fédération des transports CGT, membre de ETF***CGT member of ETF**

**CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

**Replace:** first

Reason: Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Comment: The provisions on maximum daily FDP should be reflected in IR. FTL tables should be amended accordingly.

Reason: Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a)).

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below:~~

~~==~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre flight and post flight rest periods are increased by two hours, or post flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

**Comment:** Delete point (b)

Reason: The MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study). The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)).

(c) FDP with different reporting time for flight crew and cabin crew

~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

**Replace:** In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference

in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

Reason: In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary

comment

1873

comment by: Gordana BOBERIC

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

Comment: The provisions on maximum daily FDP should be reflected in IR.

Reason: Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a)).

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below:~~

~~⇒~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre flight and post flight rest periods are increased by two hours, or post flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

Comment: Delete point (b)

Reason: The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)); the MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study).

(c) FDP with different reporting time for flight crew and cabin crew

~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

Replace: In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time

than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

Reason: In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

comment

1952

comment by: FSC - CCOO

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

Replace: first

Reason: Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Comment: The provisions on maximum daily FDP should be reflected in IR. FTL tables should be amended accordingly.

Reason: Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a).

comment

1953

comment by: FSC - CCOO

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below:~~

~~...~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre flight and post flight rest periods are increased by two hours, or post flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

Comment: Delete point (b)

Reason: The MOEBUS study, in its answers to questions 2 and 3 quotes

numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study). The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)).

comment

1954

comment by: FSC - CCOO

(c) FDP with different reporting time for flight crew and cabin crew  
~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

**Replace:** In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

**Reason:** In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

comment

2131

comment by: AUSTRIAN Airlines

**Comment:**

The table does not correspond to the text of CS.FTL.1.135 and it does not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. This is completely unacceptable to AUSTRIAN since it would have significant cost impact (up to 40 minutes reduction in the max FDP) for no safety justification. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:**

Delete the table.  
 Realign with EU-OPS Subpart Q.

comment

2132

comment by: AUSTRIAN Airlines

**Relevant Text:**

c) FDP with different reporting time for flight crew and cabin crew

In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes

**Comment:**

The wording is different from EU-OPS (reference to the same flight is more restrictive than EU-OPS). In order to avoid any misunderstanding AUSTRIAN suggest sticking to the EU-OPS wording.

**Proposal:**

For cabin crew being assigned to a flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between cabin crew and flight crew, as long as the difference does not exceed one hour.

comment

2199

comment by: *M Wilson-NetJets***Original text:**

(see NPA text/table)

**Suggested new text:**

No suggested text

**Comment/suggestion:**

The Table with duty times for "5 sectors or more" and a start time "1330-1359" and "1400-1429" seems incorrect.

comment

2234

comment by: *Airlec Air Espace / Paul Tiba*Attachment [#34](#)

We are an air ambulance specialist and every mission has an average flight duty period (FDP) of 15-16h. I think that the text should include an exception for urgent medical flights (like it was in the Eu-OPS). Otherwise, it will become impossible to make ambulance flights for European companies. For that, I propose you to take the French law that was written to implement the Eu-OPS here. What is very important to note is that we have now a successful experience of two seasons with this text in France. Please find the attached law. Please also find below the key facts –for urgent medical flight, in the case of bi-pilots crews and for companies that have a Safety Management System for every Risk linked to the Fatigue–.

- The maximum FDP is 18h which shall be reduced by 30 minutes for each sector from the fourth one (up to a maximum of two hours).
- This maximum shall be increased by 1h once a week (without over passing the maximum of 18h and for flights including no more than five sectors).
- In the case of unforeseen circumstances, the maximum FDP may be increased by 2 hours at discretion of the PIC.
- When the flight starts within the Window Of Circadian Low (WOCL), the maximum FDP shall be reduced by 100% of this period (up to a maximum of two hours).
- When the flight ends within the Window Of Circadian Low (WOCL), the maximum FDP shall be reduced by 50% of this period.
- Rest period (RP): on base = Max (12h; Duty Period –DP–); out of base = Max (10h; DP) with at least 8h to sleep.
- Reduced RP:

Insufficiency = normal rest period – real reduced rest period.

If previous or next FDP > 14h, reduced RP = 10h. Next FDP has a maximum of 4 sectors. Next normal rest period is not less than 24h with 1 local night. The

maximum next FDP should be reduced by the insufficiency. However, it is possible not to reduce it adding the insufficiency to the next normal RP. If previous and next FDP < 14h, reduced RP = 7h30. Next FDP has a maximum of 4 sectors.

No more than 2 reduced RP should be used between two programmed RP.

- Programmed RP: 36h with two local nights + normal RP following the latest flight. Two consecutive programmed RP shall not be separated by more than 168h.

Many thanks in advance.

comment

2256

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

### **CS FTL 1.135 Maximum Daily Flight Duty Period**

#### **Comment:**

Current CAP 371 FDP tables have evolved over decades of flying experience. We therefore believe that CAP 371 constitutes a comparable level of safety to CS FTL 1.135 and as a result should be an acceptable means of compliance. Variations to maximum Flying Duty Period of 14 hours should be allowed providing there are compensating factors taking into account previous operational experience of these operations. The additional report time of Cabin Crew should be taken into account to ensure that Cabin crew are not the limiting factor.

#### **Proposal:**

**Add UK CAP 371 as an AMC + the variations noted above.**

comment

2294

comment by: *kapers Cabin Crew Union*

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

Replace: first

Reason: Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

Comment: The provisions on maximum daily FDP should be reflected in IR. FTL tables should be amended accordingly.

Reason: Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a).

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the~~

~~limits specified in table below:~~

~~≡~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre-flight and post-flight rest periods are increased by two hours, or post-flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

Comment: Delete point (b)

Reason: The MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study). The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)).

(c) FDP with different reporting time for flight crew and cabin crew

~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

Replace: In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

Reason: In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

comment

2611

comment by: *Deutsche Lufthansa AG*

**Comment:**

The table does not correspond to the text of CS.FTL.1.135 and it does not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. This is completely unacceptable to Lufthansa since it would have significant cost impact (up to 40 minutes reduction in the max FDP) for no safety justification. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:**

Delete the table.  
Realign with EU-OPS Subpart Q.

comment 2612

comment by: Deutsche Lufthansa AG

**Relevant Text:**

c) FDP with different reporting time for flight crew and cabin crew

In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes

**Comment:**

The wording is different from EU-OPS (reference to the same flight is more restrictive than EU-OPS). In order to avoid any misunderstanding Lufthansa suggests sticking to the EU-OPS wording.

**Proposal:**

For cabin crew being assigned to a flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between cabin crew and flight crew, as long as the difference does not exceed one hour.

comment 2960

comment by: Gregor Rozina

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

**Comment:** The provisions on maximum daily FDP should be reflected in IR.

**Reason:** Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a)).

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below:~~

~~...~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre flight and post flight rest periods are increased by two hours, or post flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

**Comment:** Delete point (b)

**Reason:** The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)); the MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study).

~~(c) FDP with different reporting time for flight crew and cabin crew~~

~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew~~

~~may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

**Replace:** In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

**Reason:** In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

comment

2975

comment by: *Swiss International Airlines / Bruno Pfister***Comment:**

The table does not correspond to the text of CS.FTL.1.135 and it does not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. This is completely unacceptable to AEA since it would have significant cost impact (up to 40 minutes reduction in the max FDP) for no safety justification. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:**

Delete the table.  
Realign with EU-OPS Subpart Q.

comment

2976

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

c) FDP with different reporting time for flight crew and cabin crew

In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes

**Comment:**

The wording is different from EU-OPS (reference to the same flight is more restrictive than EU-OPS). In order to avoid any misunderstanding the AEA suggest sticking to the EU-OPS wording.

**Proposal:**

For cabin crew being assigned to a flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between cabin crew and flight crew, as long as the difference does not exceed one hour.

comment

3054

comment by: *UCC SLO*

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

**Comment:** The provisions on maximum daily FDP should be reflected in IR.

**Reason:** Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a)).

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below:~~

~~==~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre-flight and post-flight rest periods are increased by two hours, or post-flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

**Comment:** Delete point (b)

**Reason:** The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)); the MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study).

(c) FDP with different reporting time for flight crew and cabin crew

~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

Replace: In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

**Reason:** In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

comment

3058

comment by: *BALPA*

We support the use of tables for ease of use by all parties. However, can you please clarify the following:

In Subpart Q it states "When the FDP starts in the WOCL, the.. (allowable FDP).. will be reduced by 100 % of its encroachment up to a maximum of two hours. When the FDP ends in or fully encompasses the WOCL, the.. (allowable FDP).. will be reduced by 50 % of its encroachment". We're unsure if the table has this intent. For example, I report at 0530 for a 2-sector flight. FDP = 13 hours but reduced by 29 minutes means I have a maximum FDP of 12:31; from the table below I can do 12:45 – which one is right?

Again, we support your stance that the use of current scientific knowledge is to be used throughout the forthcoming document. This section needs to be reviewed using this knowledge and we urge you to address this area as a matter of importance.

We are concerned that there is no distinction made between acclimatised and non-acclimatised crewmembers FDP's, and any consideration to the number of timezones crossed, within these tables. Are you planning to address this?

comment

3099

comment by: *ERA*

**European Regions Airline Association Comment**

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. ERA reserves the right to come back to EASA on Section VIII once the options issue has been settled.

The ERA Directorate understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that the Directorate would welcome Industry participation in providing 'expert' input'.

comment

3161

comment by: *Lufthansa CityLine GmbH*

In general reductions applying OPS 1.1105, 1.4 and 1.5 by steps of 30 minutes might be helpful.

But the calculations in CS FTL.1.135 (a) and (b) are not understandable and it is not acceptable that even FDPs not encroaching on the WOCL should be reduced below the limits of Subpart Q.

Example: FDP with 4 sectors, start at 13:59 It

Max. FDP

- according **OPS 1.1105, 1.3, 1.4 and 1.5:**  
**12 hrs**, latest ending **01:59 It**

- according **CS FTL.1.135 (a) :**  
**11.40 hrs**, latest ending **01:39 It**

comment

3179

comment by: DGAC

**Proposal:** Amend the title as follows :

**Justification:** "daily" is misleading as a Flight Duty Period can start one evening end on the following morning.

comment

3182

comment by: DGAC

Attachment [#35](#)

a) use of tables

It is agreed that the EUOPS rules for the FDP calculation should be illustrated. The problem of a table is that it is not exact and the result can be slightly different from the regulation. A linear graph is more accurate and would be easier to use on the field. Besides, changing again all the values will cost to operators who already have settled the software rules or manual procedures to be compliant with EU-OPS data.

(see attachment comm 3182.jpg)

b) maximum FDP calculations without extensions

The calculation method is explained at the beginning of the (a) of CS FTL.1.135. It is explained that the basic daily FDP (13h) reduced :

- 1) according to the number of sectors (OPS 1.1105 §1.4)
- 2) and be further reduced depending on the impact in the WOCL.

It corresponds to the definition of the WOCL calculation described in OPS 1.1105 §1.5 :

*OPS 1.1105*

**Maximum daily flight duty period (FDP)**

*1.5. When the FDP starts in the WOCL, **the maximum stated in point 1.3 and point 1.4 will be reduced** by 100 % of its encroachment up to a maximum of two hours. When the FDP ends in or fully encompasses the WOCL, the maximum FDP stated in point 1.3 and point 1.4 will be reduced by 50 % of its encroachment.*

The table though is not calculated this way but the opposite way: it takes into account firstly the impact in the WOCL and then the number of sectors. It is clear as the maximum FDP for 1 or 2 sector (so without the reduction for sectors) is correct and the mistake is to start from this value to deduce those for 3 sectors and more.

**Example:**

Calculation with EU OPS rules: **4 sectors, Start of FDP at 16h10.**

- 1) 4 sectors : reduction of the maximum basic FDP (13h) of 1 hour ie 12h
- 2) WOCL: 16h10+12h => maximal arrival at 4h10 => impact 2h10  
reduction 1h05 => maximum FDP 12h-1h05 = 10h55

Calculation of IR OPS

1bis) WOCL : 16h10+ 13h => 5h10 => WOCL impact 3h10 => reduction of 1h35 min => FDP 13h-1h35=11h25

2 bis) 4 sectors : reduction of 1 hour => maximum FDP 11h25-1h=**10h25**

**There is a 30 min time difference between the FDP max IR-OPS and the**

**FDP max EU-OPS**

c) 5 sectors or more

OPS 1.1105 1.4. *These 13 hours will be reduced by 30 minutes for each sector from the third sector onwards with a maximum total reduction of two hours.*

The maximum reduction of the FDP with the numbers of sectors is 2 hours, which corresponds to 6 sectors. For 5 sectors the reduction will be 1h30. As there is a difference of 30 minutes there is no reason to assimilate 5 sectors and 6 sectors. There should be another column with "6 sectors or more".

comment

3189

comment by: *Virgin Atlantic Airways***Comment:**

The tables in this section do not correspond to the text of CS.FTL.1.135 and also do not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. This is completely unacceptable to Virgin Atlantic since it would restrict operations of a number of existing services (significant cost impact due to reduced FDP allowances) for no safety justification. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Suggestion:**

Delete the tables.

Realign with EU-OPS Subpart Q.

comment

3293

comment by: *cfdt france***CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

**Comment: The provisions on maximum daily FDP should be reflected in IR.**

**Reason: Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a)).**

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below.~~

~~...~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre-flight and post-flight rest periods are increased by two hours, or post-flight rest only is increased by four hours. Where the extensions are used~~

~~for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

**Comment: Delete point (b)**

**Reason:** The proposed IR should take into account the latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)); the MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study).

(c) FDP with different reporting time for flight crew and cabin crew  
~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

**Replace:** In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

**Reason:** In order to take into account the latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

**CS FTL.1.140 Flight times and duty periods**

~~(a) The total duty periods to which a crew member is assigned shall not exceed:~~

- ~~(1) 60 duty hours in any seven consecutive days;~~
- ~~(2) 190 duty hours in any 28 consecutive days.~~

**Replace:** (a) The total duty periods to which a crew member is assigned shall not exceed:

- (1) 60 duty hours in any seven consecutive days;**
- (2) 180 duty hours in any 28 consecutive days.**
- (3) 100 duty hours in any 14 consecutive days.**

**Reason:** See reason for proposed change to OR.OPS.040.FTL. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

**(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:**

- (1) 100 flight hours in any 28 consecutive days;**
- (2) 900 flight hours in any 12 consecutive calendar months.**

**Comment:** The limits reflected in (b) should be reflected in IR; they are to be considered substantive provisions of Subpart Q E U OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.

(c) The total duty periods and total flight times referred to in (a) and (b) above

should be spread as evenly as practicable throughout their respective periods.

**Replace:** "possible"

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything possible within their operational limits to comply with this.

comment

3318

comment by: cfdt france

### **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

#### **CFDT France & ETF Comment: The provisions on maximum daily FDP should be reflected in IR.**

Reason: Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a)).

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below.~~

~~==~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre-flight and post-flight rest periods are increased by two hours, or post-flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

#### **Comment: Delete point (b) As the CFDT remarked in OP OPS 335 FTL FDP the 13 hour Maximum Daily FDPs should be reduced after the FIRST sector ..**

Reason: The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)); the MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study).

(c) FDP with different reporting time for flight crew and cabin crew

~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

**Replace:** In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference

in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

**Reason:** In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

comment 3528 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

First of all the idea of a table does not seem ergonomic. A table does not bring more efficiency or advantages than a graph.

**Proposal**

The idea of a graph should be more efficient and easy to use than a formula or table like it is the case now.

comment 3529 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The current chart may lead to misinterpretation problems regarding calculation as taking into account sectors, WOCL and extensions in a different order.

**Proposal**

As EASA uses the following order: WOCL/extension/sectors, we would like to use sectors/WOCL/extension that is more efficient and comply with EU-OPS.

**Justification**

The idea of a graph should be more efficient and easy to use than a formula or table like it is the case now.

comment 3530 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

There is a mistake, it should not be "5 sectors or more" but "6 sectors or more" as it comes from EU-OPS.

**Proposal**

It must be corrected

**Justification**

Obvious

comment 3558 comment by: *KLM Cityhopper*

**Comment:**

The table does not correspond to the text of CS.FTL.1.135 and it does not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. This is completely unacceptable to AEA since it would have significant cost

impact (up to 40 minutes reduction in the max FDP) for no safety justification. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:**

Delete the table.  
Realign with EU-OPS Subpart Q.

comment

3559

comment by: *KLM Cityhopper***Comment:**

The wording is different from EU-OPS (reference to the same flight is more restrictive than EU-OPS). In order to avoid any misunderstanding the AEA suggest sticking to the EU-OPS wording.

**Proposal:**

For cabin crew being assigned to a flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between cabin crew and flight crew, as long as the difference does not exceed one hour.

comment

3654

comment by: *AIR FRANCE***Comment:**

The table does not correspond to the text of CS.FTL.1.135 and it does not correspond to EU-OPS since it is more restrictive than the text of Subpart Q. When computing the table there is a need to first compute the effect of the number of sectors before applying the WOCL

**Proposal:**

Delete the table.  
Realign with EU-OPS Subpart Q.

comment

3923

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

It is not possible to verify the values and the logic of the table, because the original rules are not part of the text. For example: Is the 50% WOCL-correction taken into account?

The table is in general more restrictive than EU-OPS subpart Q, sometimes EASA allows a longer FDP:

- the actual FDP is not used to calculate the maximum allowable FDP;
- the sector correction is applied after the WOCL correction;
- the 50% correction when encroaching the WOCL is not always applied correctly;
- by using time brackets for reporting on duty times the max. FDP has in some instances been reduced.

The safety arguments for the following adjustments are lacking:

The sector correction is reduced from maximum daily FDP after the WOCL-correction (the values in columns 3, 4 and 5 is not correct and contradictory with the EU-OPS 1.135 (a));

When calculating the WOCL-correction, a sliding scale is used. This is not taken into account when using brackets of 30 minutes;

When you calculate a FDP of 11.55 starting at 16.15, this gives

$16.15 + 11.55 = 28.10 = 04.10$ . This gives 2.10 in WOCL so max FDP  $13.00 - (130/2) = 11.55$   
 The max FDP for a start at 16.15 for 2 sectors is 11.55 i.s.o. 11.25 in table.

When the FDP ends in the WOCL, there is an optimization of calculation required:

Start at 17:15 and 5 sectors gives 10:35 max FDP, so end at 03:50

$13:00 - 01:30$  (3 sectors) –  $00:55$  ( 1:50 in WOCL /2) = 10:35

Table in NPA gives 09:30 (=wrong way of calculating)

A step of 30 minutes will result in significant differences in calculated FDP causing problems with availability of airport slots.

Air Berlin proposes to delete the 30-min table and replace it by a 5-min step table based on EU-OPS1.1105.

### **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(a) Maximum daily FDP without the use of extensions

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached. The calculated Basic FDP is specified in **Table A**. The start of FDP is expressed in the WOCL time zone as per OR.OPS.010.FTL(o).

Table A has been calculated in accordance and in the sequence of EU-OPS as shown in attached **Flowchart**. The calculation method to ensure that the Maximum FDP is reduced by 50% of the calculated Basic FDP is explained in attached **Memo**. The differences between Table A and EASA CS FTL.135(a) are shown in attached **Graph A**.

Following the sequence of the rules, the WOCL has been taken into account at the beginning. Therefore, extensions are not influenced anymore by the WOCL. Per EU-OPS, the maximum daily FDP can be extended by up to one hour per EU-OPS1.1105.1.

### **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(b) Maximum daily FDP with the use of extensions.

The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further limited to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours. The calculated Extended FDP are specified in **Table B**. The start of FDP is expressed in the WOCL time zone as per OR.OPS.010.FTL(o). Flights departing between 22:00 and 05:00 are limited to 11:45.

The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre flight and post flight rest periods are increased by two hours, or post flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.

Table B has been calculated in accordance and in the sequence of EU-OPS as shown in attached **Flowchart**. The one hour extension is only added when permitted by the WOCL encroachment of the Basic FDP for the number of sectors.

The differences between Table B and EASA CS FTL.135(a) are shown in attached **Graph B**.

The added word 'same' makes this article more restrictive. The safety argument for this adjustment is lacking.

Delete the word "same" and add:

"(d) For the determination of the maximum FDP of the cabin crew the reporting time of the flight crew shall be assumed to be the reporting time of the cabin crew."

### **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**

(c) FDP with different reporting time for flight crew and cabin crew in cases where cabin crew require more time than the flight crew for their pre-flight briefing for the flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.

(d) For the determination of the maximum FDP of the cabin crew the reporting time of the flight crew shall be assumed to be the reporting time of the cabin crew.

Motivation: Cabin crew shall never be the limiting factor with respect to FDP.

If the reporting time of the cabin crew is used to determine the maximum FDP, it could be that in certain instances the cabin crew will still be more restrictive by as much as one hour w.r.t. the flight crew.

Eg.: Cc. reports at 04:00; Fc. reports at 05:00. Cc. max FDP will be 11:15 + 01:00 = 12:15 i.e. latest reporting off time 16:15; Fc max FDP will be 12:15 i.e. latest reporting off time 17:15.

comment

3949

comment by: FAA

### **1. CS FTL.1.135**

#### *Comment:*

The term 'Sector' not defined in NPA 2009-02C. Without a definition, different authorities may interpret this term differently. Differences in language can cause confusion among authorities and operators; terms that have multiple potential meanings require clarification as they relate to a specific regulatory section.

#### *Recommendation:*

Include the definition of 'sector' in definitions section.

comment

4008

comment by: ANE (Air Nostrum) OPS QM

CS FTL 1.135. Maximum daily flight duty period

The new flight time limitations ( without considering FDP extensions) , reduce considerably the EU-OPS maximum flight time limits ( we find days periods when the difference is up to 2 hours form EU-OPS limitations).

It is hard to evaluate the impact of this new table because it is not possible to know accurately the differences with current Flight Duty Period Limits (because

of WOCL). However it is easy to see that in some cases new limits are quite more restrictive compared with SUBPART Q limits. If this new table is decided, either it would be a lot of crew going beyond these new limits due to common daily operation delays, or in order to avoid those delays it would be needed to hire more crews. Indeed, it seems it is a table too big in order to add into our current information systems.

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserves the right to come back to EASA on Section VIII once the options issue has been settled. We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that we would welcome Industry participation.

comment

4010

comment by: CUD

(a) Maximum daily FDP without the use of extensions.

The maximum basic daily FDP shall be 13 hours which shall be reduced by 30 minutes for each sector from the third sector onwards and be further reduced (up to a maximum of two hours) when the WOCL is encroached in accordance with the limits specified in the table below:

**Replace:** first

**Reason:** Taking into account latest scientific evidence, the MOEBUS study recommends reducing the maximum basic FDP after the first sector and furthermore establishes the need for more scientific evaluation of any FDP that includes more than 4 sectors. Regarding FDP that include the WOCL, these should, according to the results of the MOEBUS study, never exceed 10 hours.

**Comment:** The provisions on maximum daily FDP should be reflected in IR. FTL tables should be amended accordingly.

**Reason:** Maximum daily FDP is to be considered a substantive provision of Subpart Q EU OPS (BR 216/2008 Art 22, 2. (a)).

comment

4012

comment by: CUD

~~(b) Maximum daily FDP with the use of extensions.~~

~~The maximum daily FDP can be extended by up to one hour and this extension is limited to a maximum of 5 sectors. The extension is further reduced to a maximum of four sectors when the WOCL is encroached and to a maximum of two sectors when FDP encroaches the WOCL by more than two hours with the limits specified in table below:~~

~~...~~

~~The maximum number of times that extensions can be used is two in any seven consecutive days. Where an FDP is planned to use an extension, the minimum pre flight and post flight rest periods are increased by two hours, or post flight rest only is increased by four hours. Where the extensions are used for consecutive FDPs the pre and post rest between the two operations run consecutively.~~

Comment: Delete point (b)

Reason: The MOEBUS study, in its answers to questions 2 and 3 quotes numerous scientific studies to substantiate their recommendation to remove the provision for extensions to maximum daily FDP unless flight and cabin crew are augmented and in-flight breaks and the corresponding adequate rest facilities on board are defined in CS (see answers to questions 12 and 13 MOEBUS study). The proposed IR should take latest scientific and technical evidence into account (BR 216/2008 Art. 22, 2. (a)).

comment

4013

comment by: CUD

(c) FDP with different reporting time for flight crew and cabin crew  
~~In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes.~~

Replace: In the cases, defined in the applicable flight time specification scheme and appropriate for the type of operation, where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 30 minutes and the reporting time for flight crew and cabin crew fall in the same circadian time category.

Reason: In order to take into account latest scientific and technical evidence (see answer to question 5 of the MOEBUS study) operators should develop more efficient briefing techniques; when approving a flight time specification scheme proposing different reporting times for flight and cabin crew the Agency should pay special attention to the fact that this extension of the maximum FDP can only be used where strictly safety related duties make this necessary.

comment

4082

comment by: Tyrolean Airways

**CS FTL.1.135 Maximum daily Flight Duty Period (FDP)  
(a)**

Again, compared to EU OPS, Subpart Q, the delta is up to -1:10; Example: start of duty 17:00 / 5 legs / duty enters WOCL for 1:40 as of it's end -> according EU OPS FDP may be up to 10:40.

EASA allows here 09:30 !!!!!

What is the safety justification for that?

Coming to the table itself: There appears to be some consistency issue here - at least there is no formula distillable from it.

It appears "strange", that havin 5 legs results in a longer allowable FDP if the the duty shift is located a a later time of the day and/or even within the WOCL.

What is the logic behind this table, why further reductions from EU OPS / "Q", where is any scientific justification?

**(b)**

comment

4097

comment by: *Juergen Hauk*

Today, the german authority offers by law the possibility for a so called "**Split-Duty-Period**".

It is regulated by 1.DVLuftBO §11 and it offers a duty period of max 18 hours, provided within that period ...

(a) there is "Pause", allowing a minimum of 3 hours to sleep in a quiet room and

(b) the total flight time (before and after the pause) is not more than 10 hours.

**This "tool" is very useful for commercial charter and taxi services**, so in the early morning passengers can be flown to their "meeting" and the same crew can take the passengers back home in the evening.

EXAMPLE: Reporting time 0500, Flight from A to B from 0545 to 0945, Pause from 1000 to 1615, Flight from B to A from 1700 to 2100, End of duty time at 2115;

RESULT: Duty period is 16:15 hours, Total flight time is 8:00 hours, Pause period is 6:15 hours, thereof 5:00 hours were spent in a hotel room ("effective pause").

From my point of view, **this "t ool" does not get i n conflict with any scientifically based fatigue-related risk**, as long as ...

(a) the "Split-Duty-Period" does not touch the period from 0100 to 0459 local time and

(b) the following rest period before underaking the next FDP is at least as long as the "Split-Duty-Period" minus the included "Effective Pause", or 10 hours, whichever is the greater. (In the given example, the required rest period would be: 16:15 hours minus 5:00 hours equals 11:15 hours)

I suggest implementing this german tool "Split-Duty-Period" (\*) as an extra subparagraph into CS FTL.1.135.

(\* May be you will find a better name ...)

**C. IV. Draft Decision (CS) Part-OR - Subpart OPS - Section VIII - CS  
FTL.1.140 Flight times and duty periods**

p. 34

comment

211

comment by: *Eurowings Luftverkehrs AG*

Once again a small change but with profound effects. Though this is a comprehensible adaption to the existing rules which all apply to consecutive time periods, in this case it leads to fatal complications. The yearly flight time is influenced by the periods of leave. Current regulations entitle the crew members to 6 weeks paid leave p.a. Periods of wished leave have to be taken into account by the operator. Above rule would oblige the operator to grant leave every year in the same month, which lacks the consideration of social aspects and would be without any practical orientation. As a result staff demand would otherwise rise by approximately 10-13% (900:12months = 75/month; 900:10,5months = 85/month), because operators have to be prepared for the worst case, that crewmembers spread their leave over the calendar year with the effect of having no leave planned in a period of 12 months. These costs have a high economic and unacceptable impact on the operators.

comment 463 comment by: *Condor Flugdienst GmbH - FRA HO/R*  
 Acc. to CFG please replace "any 12 consecutive calendar months" by "one calendar year". See also CFG comment to OR.OPS.0.40 FTL.

comment 547 comment by: *SCCA/ head of health and safety*

- **A limit of 180 duty hours per 28 consecutive days.** Scientific research has established that fatigue and the risk of accidents and injuries increases over successive work days, and that these increases are dissipated over periods of rest days. As the Moebius report concluded, there is not enough scientific evidence to support the figure of 190 duty hours per 28 consecutive days as safe enough to avoid cumulative fatigue in cabin crew.
- **An additional limit of 100 duty hours in 14 days should be included to guarantee that duty hours are spread not only as evenly as possible but also in a manner that allows for proper rest and time at home.**

The proposed text allows for 60 duty hours per 7 consecutive days leading to the possibility of 3 consecutive 60 hour weeks within a period of 28 days.

- The permitted 900 block hours should be measured over a 12 consecutive calendar month period and not a natural year. This will avoid flying 1800 hours in 18 months.

The proposed limit of 100 block hours per 28 consecutive days seems far too high: for instance, the French CAA established a limit of up to 95 block hours per calendar month which would equal 85 block hours per 28 consecutive days.

comment 742 comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.  
 We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.  
 The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.  
 Justification: see LBA - General Comment, reasons 1 and 2

comment 1117 comment by: *AEA*

**Relevant Text:**  
 (b)(2) 900 flight hours in any 12 consecutive calendar months'

**Comment:**  
 The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. This is unacceptable in particular since ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave..

**Proposal:**

Stick to the EU working time directive '900h in 1 calendar year'

comment

1165

comment by: ECA - European Cockpit Association

Comment on CS FTL.1.140(a): change as follows:

The total duty periods to which a crew member is assigned shall not exceed:

(1) 60 duty hours in any seven consecutive days;

**(2) 100 duty hours in 14 consecutive days.**~~(2)~~ **(3)** 190 duty hours in any 28 consecutive days.

Justification:

Add provision for 14 consecutive days as per answer to question 1 of Moebus study.

The scientific evaluation recommends under Question 1 the setting of/an additional restriction of '100 duty hours in 14 consecutive days'

comment

1168

comment by: ECA - European Cockpit Association

Comment on CS FTL.1.140(c): Move provision to IR, and add cross-reference to WTD : « Should typically not exceed 48 hours within any 7 consecutive days. »

Justification:

Previously "... *spread as evenly as practicable ...*" was only applicable to the 190 hours in 28 days limit. It is too weak as the rule generally does not protect against abuse which could induce fatigue (uncontrolled workload increase; unacceptable level of risk exposition).

Also, it should remain in the IR, rather than being downgraded to GM status.

Further we suggest a cross reference to consider the limit from the Working Time Directive for "normal" Workers:

"Should typically not exceed 48 hours within any 7 consecutive days."

comment

1230

comment by: Sven Freisenich

**Flight Times and Duty periods (a)**

To provide flexibility due different reporting times for cabin crew and flight crew in case of unforeseen delays, cabin crew have an additional 5 hours per any seven consecutive days.

CS FTL.1.140 Flight times and duty periods

(a) The total duty periods to which a crew member is assigned shall not exceed:

(1) 60 (65 for cabin crew) duty hours in any seven consecutive days;

(2) 190 (210 for cabin crew) duty hours in any 28 consecutive days

**Justification: UK CAP371**

Motivation: The safety tasks of flight crew and cabin crew are different: cabin crew are re-active while flight crew more pro-active. Cabin crew shall never be the limiting factor with respect to flight times and duty periods.

**Flight Times and Duty Periods (b)**

This text is more restrictive than EU-OPS Subpart Q text which refers to 900 hrs in a calendar year. The safety argument is lacking.

Revert back to EU-OPS text which is in line with the EU Working Time Directive by replacing „any 12 consecutive calendar months“ by „one calendar year“.

Due to diverging demand in winter season and summer season no balance possible. LTU is highly subject to seasonal effects, e.g. peak during summer season. The „one calendar year“ as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed „12 consecutive months“ present however an unnecessary continuing challenge, also during the summer peak. Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

CS FTL.1.140 Flight times and duty periods

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 flight hours in any 28 consecutive days;
- (2) 900 flight hours in a calendar year.

The „900 hours in any 12 consecutive months“ are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 9:

“Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

- a) at least seven local days in each calendar month, which may include any rest periods required by law; and
- b) at least 96 local days in each calendar year, which may include any rest periods required by law.

There is no safety justification given for the additional requirement, which will lead to reduced flexibility in particular when planning crew members' leave.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the „one calendar year“. The intent is already covered by 1.140 (c).

**Flight Times and Duty Periods (c)**

The text, not stated in the original EU-OPS subpart Q regulations, is described vaguely and does not have any added value.

CS FTL.1.140 Flight times and duty periods

Deleted (c )

comment

1399

comment by: UK CAA

**Page No:** 33

**Paragraph No:** CS FTL 1.140 (a)

**Comment:** A 14-day duty hour limit should also be included in (a). (See comment to OR.OPS.040.FTL(a), also).

**Justification:** Unless there is an additional 14 day period there is the possibility that an operator could compress the maximum allowed duty into as little as 21 days.

**Proposed Text (if applicable):**

(a)

- (1).....  
 (2) 100 duty hours in any 14 consecutive days  
 (3) 190 duty hours in any 28 consecutive days.

comment

1443

comment by: Unionen/Sweden

- **A limit of 180 duty hours per 28 consecutive days.** *Scientific research has established that fatigue and the risk of accidents and injuries increases over successive work days, and that these increases are dissipated over periods of rest days. As the Moebus report concluded, there is not enough scientific evidence to support the figure of 190 duty hours per 28 consecutive days as safe enough to avoid cumulative fatigue in cabin crew.*
- **An additional limit of 100 duty hours in 14 days should be included to guarantee that duty hours are spread not only as evenly as possible but also in a manner that allows for proper rest and time at home.** *The proposed text allows for 60 duty hours per 7 consecutive days leading to the possibility of 3 consecutive 60 hour weeks within a period of 28 days.*
- **The permitted 900 block hours should be measured over a 12 consecutive calendar month period and not a natural year. This will avoid flying 1800 hours in 18 months.** *The proposed limit of 100 block hours per 28 consecutive days seems far too high: for instance, the French CAA established a limit of up to 95 block hours per calendar month which would equal 85 block hours per 28 consecutive days*

comment

1593

comment by: British Airways

There isn't any differentiation between Flight Crew and Cabin Crew. BA's current Scheme for Cabin Crew allows higher duty limits than Flight Crew. Currently our National Authority (CAA) allows for higher duty hours limits for Cabin Crew than Flight Crew. We see no justification to move away from this existing position.

Remove item (c) for the same reason as laid out in OR.OPS.040.FTL.

comment

1620

comment by: TAP Portugal

**Relevant Text:**

(b)(2) 900 flight hours in any 12 consecutive calendar months'

**Comment:**

The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. This is unacceptable in particular since ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave..

**Proposal:**

Stick to the EU working time directive '900h in 1 calendar year'

comment

1780

comment by: Sean Butler, bmi

**Page: 34 Section: CS FTL.1.140 Flight Times and Duty Periods**

**Relevant Text:** In cases where cabin crew require more time than the flight crew for their pre-flight briefing for the same flight or series of flights, the FDP of the cabin crew may be extended by the difference in reporting time between the cabin crew and the flight crew, as long as the difference does not exceed 60 minutes

**Comment:** The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. This is unacceptable in particular since ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave.

**Proposal:** Stick to the EU working time directive '900h in 1 calendar year'

comment

1820

comment by: KLM

**Relevant Text:** (b)(2) 900 flight hours in any 12 consecutive calendar months'

**Comment:**

The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. This is unacceptable in particular since ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave..

**Proposal:**

Stick to the EU working time directive '900h in 1 calendar year'

comment

1857

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF

**CS FTL.1.140 Flight times and duty periods**

~~(a) The total duty periods to which a crew member is assigned shall not exceed:~~

~~(1) 60 duty hours in any seven consecutive days;~~

~~(2) 190 duty hours in any 28 consecutive days.~~

Replace: (a) The total duty periods to which a crew member is assigned shall not exceed:

(1) 60 duty hours in any seven consecutive days;

(2) 180 duty hours in any 28 consecutive days.

(3) 100 duty hours in any 14 consecutive days.

**Reason:** See reason for proposed change to **OR.OPS.040.FTL**. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 flight hours in any 28 consecutive days;
- (2) 900 flight hours in any 12 consecutive calendar months.

**Comment:** The limits reflected in (b) should be reflected in IR; they are to be considered substantive provisions of Subpart Q EU OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.

(c) The total duty periods and total flight times referred to in (a) and (b) above should be spread as evenly as practicable throughout their respective periods.

**Replace:** possible

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

#### **CS FTL.1.155 Minimum Rest Period**

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:** The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

comment

1874

comment by: Gordana BOBERIC

~~(a) The total duty periods to which a crew member is assigned shall not exceed:~~

- ~~(1) 60 duty hours in any seven consecutive days;~~
- ~~(2) 190 duty hours in any 28 consecutive days.~~

**Replace:** (a) The total duty periods to which a crew member is assigned shall not exceed:

- (1) 60 duty hours in any seven consecutive days;
- (2) 180 duty hours in any 28 consecutive days.
- (3) 100 duty hours in any 14 consecutive days.

**Reason:** See reason for proposed change to **OR.OPS.040.FTL**. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the

CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 flight hours in any 28 consecutive days;
- (2) 900 flight hours in any 12 consecutive calendar months.

**Comment:** The limits reflected in (b) should be reflected in IR; they are to be considered substantive provisions of Subpart Q EU OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.

(c) The total duty periods and total flight times referred to in (a) and (b) above should be spread as evenly as practicable throughout their respective periods.

**Replace:** possible

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

comment

1955

comment by: FSC - CCOO

~~(a) The total duty periods to which a crew member is assigned shall not exceed:~~

- ~~(1) 60 duty hours in any seven consecutive days;~~
- ~~(2) 190 duty hours in any 28 consecutive days.~~

**Replace:** (a) The total duty periods to which a crew member is assigned shall not exceed:

- (1) 60 duty hours in any seven consecutive days;
- (2) 180 duty hours in any 28 consecutive days.
- (3) 100 duty hours in any 14 consecutive days.

**Reason:** See reason for proposed change to **OR.OPS.040.FTL**. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

comment

1956

comment by: FSC - CCOO

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 flight hours in any 28 consecutive days;
- (2) 900 flight hours in any 12 consecutive calendar months.

**Comment:** The limits reflected in (b) should be reflected in IR; they are to be considered substantive provisions of Subpart Q EU OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.

comment

1957

comment by: FSC - CCOO

(c) The total duty periods and total flight times referred to in (a) and (b) above should be spread as evenly as practicable throughout their respective periods.

**Replace:** possible

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

comment

2133

comment by: *AUSTRIAN Airlines***Relevant Text:**

(b)(2) 900 flight hours in any 12 consecutive calendar months'

**Comment:**

The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. This is unacceptable in particular since ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave..

**Proposal:**

Stick to the EU working time directive '900h in 1 calendar year'

comment

2262

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly***CS FTL 1.140 Flight Times and Duty Periods****Comment:**

Safety tasks of Flight crew and Cabin crew are different. Cabin crew should never be the most limiting factor.

**Proposal:**

The 60 hour 7 day and 180 hour 28 consecutive day limit should have an extension opportunity to allow for unforeseen delays once roster is published. An additional 5 hours should be allowed to ensure roster stability caused by unforeseen circumstances.

comment

2297

comment by: *kapers Cabin Crew Union*

~~(a) The total duty periods to which a crew member is assigned shall not exceed:~~

~~(1) 60 duty hours in any seven consecutive days;~~

~~(2) 190 duty hours in any 28 consecutive days.~~

**Replace:** (a) The total duty periods to which a crew member is assigned shall not exceed:

(1) 60 duty hours in any seven consecutive days;

(2) 180 duty hours in any 28 consecutive days.

(3) 100 duty hours in any 14 consecutive days.

**Reason:** See reason for proposed change to **OR.OPS.040.FTL**. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 flight hours in any 28 consecutive days;
- (2) 900 flight hours in any 12 consecutive calendar months.

**Comment:** The limits reflected in (b) should be reflected in IR; they are to be considered substantive provisions of Subpart Q EU OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.

(c) The total duty periods and total flight times referred to in (a) and (b) above should be spread as evenly as practicable throughout their respective periods.

**Replace:** possible

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

comment

2613

comment by: *Deutsche Lufthansa AG***Relevant Text:**

(b)(2) 900 flight hours in any 12 consecutive calendar months'

**Comment:**

The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. This is unacceptable in particular since ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave..

**Proposal:**

Stick to the EU working time directive '900h in 1 calendar year'

comment

2783 ❖

comment by: *BALPA*

The Moebus report indicates that a 14-day duty hour limit should be set - we concur with this view. This would, in effect, also help operators "spread (work) as evenly as practicable" as stated in this section.

Please define "..spread as evenly as practicable.."

We feel that a maximum number of duty hours per 12 consecutive calendar months should also be incorporated in this section or is this area covered in the Council Directive 2000/79/EC concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation?

comment

2963

comment by: *Gregor Rozina*

~~(a) The total duty periods to which a crew member is assigned shall not exceed:~~

~~(1) 60 duty hours in any seven consecutive days;~~

~~(2) 190 duty hours in any 28 consecutive days.~~

**Replace:** (a) The total duty periods to which a crew member is assigned shall not exceed:

(1) 60 duty hours in any seven consecutive days;

(2) 180 duty hours in any 28 consecutive days.

(3) 100 duty hours in any 14 consecutive days.

**Reason:** See reason for proposed change to **OR.OPS.040.FTL**. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

(1) 100 flight hours in any 28 consecutive days;

(2) 900 flight hours in any 12 consecutive calendar months.

**Comment:** The limits reflected in (b) should be reflected in IR; they are to be considered substantive provisions of Subpart Q EU OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.

(c) The total duty periods and total flight times referred to in (a) and (b) above should be spread as evenly as practicable throughout their respective periods.

**Replace:** possible

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

comment

2977

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(b)(2) 900 flight hours in any 12 consecutive calendar months'

**Comment:**

The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. This is unacceptable in particular since ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave..

**Proposal:**

Stick to the EU working time directive '900h in 1 calendar year'

comment

3055

comment by: *UCC SLO*

~~(1) 60 duty hours in any seven consecutive days;~~

~~(2) 190 duty hours in any 28 consecutive days.~~

**Replace:** (a) The total duty periods to which a crew member is assigned shall not exceed:

- (1) 60 duty hours in any seven consecutive days;
- (2) 180 duty hours in any 28 consecutive days.
- (3) 100 duty hours in any 14 consecutive days.

**Reason:** See reason for proposed change to **OR.OPS.040.FTL**. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 flight hours in any 28 consecutive days;
- (2) 900 flight hours in any 12 consecutive calendar months.

**Comment:** The limits reflected in (b) should be reflected in IR; they are to be considered substantive provisions of Subpart Q EU OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.

(c) The total duty periods and total flight times referred to in (a) and (b) above should be spread as evenly as ~~practicable~~ throughout their respective periods.

**Replace:** possible

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

comment

3424

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Paragraph text:**

(a) The total duty periods to which a crew member is assigned shall not exceed:

- (1) 60 duty hours in any seven consecutive days;
- (2) 190 duty hours in any 28 consecutive days.

**Comment:**

In order to ensure that the assigned duty hours are spread evenly during 4 weeks based on 190 hours divided by 4 weeks (which results in 47,5 hours per week) a new text should be added about maximum assigned hours in any seven consecutive days. Our experience shows that the operator's crew scheduling staff are not following the current wording in EU-OPS Subpart Q OPS 1.1100 1.1 (a) "spread as evenly as practicable throughout this period". Therefore a restriction is needed for the planning part (47,5 hours). During the execution of the week it may be allowed to work up to 60 hours.

Furthermore a new limitation for maximum duty hours during 14 days should be inserted between (1) and (2) in order to ensure that fatigue induced days are not unevenly spread during 4 weeks like 60 hours, 60 hours, 60 hours and 10 hours the last week. The proposed limit for 14 days are 190 hours divided by 2 weeks which results in 95 hours. This proposal is line with the Moebus

report on Subpart Q although the Moebus report proposed 100 hours in 14 consecutive days without any supporting grounds. To use 95 hours is better because it is based on the Subpart Q rule about "spread as evenly as practicable throughout this period".

**Proposal** (including *new text*):

(a) The total duty periods to which a crew member is assigned shall not exceed **47,5 planned (rostered) duty hours in any seven consecutive days;**

The ~~maximum total duty periods~~ hours ~~to which~~ **for** a crew member is assigned shall not exceed:

- (1) 60 duty hours in any seven consecutive days;
- (2) 95 duty hours in any 14 consecutive days;**
- ~~(2 3)~~ 190 duty hours in any 28 consecutive days.

comment

3560

comment by: *KLM Cityhopper*

**Comment:**

The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. This is unacceptable in particular since ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave..

**Proposal:**

Stick to the EU working time directive '900h in 1 calendar year'

comment

3655

comment by: *AIR FRANCE*

**Relevant Text:**

(b)(2) 900 flight hours in any 12 consecutive calendar months'

**Comment:**

The wording '900 hours in any 12 consecutive calendar months is more restrictive than the EU Working Time Directive. ICAO is not setting any limit which means most non-EU airlines can do much more than 900h. The additional restriction have no safety justification and would lead to reduced flexibility in particular when planning the crew member leave..

**Proposal:**

Stick to the EU working time directive '900h in 1 calendar year'

comment

3925

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

To provide flexibility due different reporting times for cabin crew and flight crew in case of unforeseen delays, cabin crew have an additional 5 hours per any seven consecutive days.

**CS FTL.1.140 Flight times and duty periods**

(a) The total duty periods to which a crew member is assigned shall not exceed:

- (1) 60 (65 for cabin crew) duty hours in any seven consecutive days;
- (2) 190 (210 for cabin crew) duty hours in any 28 consecutive days

**Justification: UK CAP371**

Motivation: The safety tasks of flight crew and cabin crew are different: cabin crew are re-active while flight crew more pro-active. Cabin crew shall never be the limiting factor with respect to flight times and duty periods.

**Flight Times and Duty Periods (b)**

This text is more restrictive than EU-OPS Subpart Q text which refers to 900 hrs in a calendar year. The safety argument is lacking.

Revert back to EU-OPS text which is in line with the EU Working Time Directive by replacing „any 12 consecutive calendar months“ by „one calendar year“.

Due to diverging demand in winter season and summer season no balance possible. Air Berlin is highly subject to seasonal effects, e.g. peak during summer season. The „one calendar year“ as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed „12 consecutive months“ present however an unnecessary continuing challenge, also during the summer peak. Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

**CS FTL.1.140 Flight times and duty periods**

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 flight hours in any 28 consecutive days;
- (2) 900 flight hours in a calendar year.

The „900 hours in any 12 consecutive months“ are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 9:

“Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

- a) at least seven local days in each calendar month, which may include any rest periods required by law; and
- b) at least 96 local days in each calendar year, which may include any rest periods required by law.

There is no safety justification given for the additional requirement, which will lead to reduced flexibility in particular when planning crew members' leave.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the „one calendar year“. The intent is already covered by 1.140 (c).

**Flight Times and Duty Periods (c)**

The text, not stated in the original EU-OPS subpart Q regulations, is described vaguely and does not have any added value.

**CS FTL.1.140 Flight times and duty periods**

Deleted (c )

comment

4005

comment by: ANE (Air Nostrum) OPS QM

CS FTL 1.140.

- b) 2) 900 flight hours in any 12 consecutive months
  - o This new limit would not be generate any problem if our crew enjoying their 30 day holidays split into 12 months, it means 2,5 days per month. Nevertheless, as this seems almost impossible, it would generate hiring more crew to avoid our current crews going

beyond this new limit in 12 consecutive months.

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserves the right to come back to EASA on Section VIII once the options issue has been settled. We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that we would welcome Industry participation.

comment

4014

comment by: CUD

~~(a) The total duty periods to which a crew member is assigned shall not exceed:~~

- ~~(1) 60 duty hours in any seven consecutive days;~~  
~~(2) 190 duty hours in any 28 consecutive days.~~

**Replace:** (a) The total duty periods to which a crew member is assigned shall not exceed:

- (1) 60 duty hours in any seven consecutive days;  
 (2) 180 duty hours in any 28 consecutive days.  
 (3) 100 duty hours in any 14 consecutive days.

**Reason:** See reason for proposed change to **OR.OPS.040.FTL**. An additional limit of 100 duty hours in any 14 consecutive days should be introduced in the CS guarantee that duty is spread out as evenly as possible. (See answer to question 1 MOEBUS study).

comment

4015

comment by: CUD

(b) The total flight time of the flights on which an individual crew member is assigned as an operating crew member shall not exceed:

- (1) 100 flight hours in any 28 consecutive days;  
 (2) 900 flight hours in any 12 consecutive calendar months.

**Comment:** The limits reflected in (b) should be reflected in IR; they are to be considered substantive provisions of Subpart Q EU OPS and BR 216/2008 Art. 22, 2. (a) and should therefore be included in IR.

comment

4016

comment by: CUD

(c) The total duty periods and total flight times referred to in (a) and (b) above should be spread as evenly as ~~practicable~~ throughout their respective periods.

**Replace:** possible

**Reason:** The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

comment

4083

comment by: Tyrolean Airways

Refer to comment for OR.OPS.040.FTL

**C. IV. Draft Decision (CS) Part-OR - Subpart OPS - Section VIII - CS  
FTL.1.155 Minimum Rest Period**

p. 35

comment 134

comment by: Rega / Swiss Air-Ambulance

**CS.FTL.1.155 Minimum Rest Time and Rest Period**

**Scope:**

Rephrase the term "Rest Period" to "Rest Time". Continue to use the EU-OPS term "Rest Period".

**Text to be added/altered:**

**CS.FTL.1.155 Minimum Rest Time and Rest Period**

**(a) Minimum rest time at home base**

**The minimum rest time** provided before undertaking ... rest of text no change

**(b) Minimum rest time away from home base**

**The minimum rest time** provided before undertaking ... rest of text no change

**(c) Minimum rest period**

**The minimum rest period** to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the end of one **rest period** and the start of the next.

**Proof:**

The terms "Rest Time" and "Rest Period" are under EU-OPS well established and understood in the aviation community. It makes no sense to alter this well known terms; there is no gain in safety.

For Swiss Air Ambulance it is economically unbearable to alter and adapt all the computer programs assisting the operations for no reason with the from EASA proposed terms.

**Background:**

Swiss Air Ambulance is a subsidiary of Rega, Switzerland's national air-rescue organisation, which was founded in 1952. Swiss Air Ambulance can draw on decades of experience and the expertise of professional teams to provide competent, comprehensive assistance in the event of medical emergencies all over the world operating besides 13 dedicated HEMS helicopters 3 dedicated Bombardier CL-604 "Challenger" ambulance jets with a range of 3'500 NM. Its services range from providing medical advice to repatriating patients to/from Switzerland or any other point of the world. Swiss air-ambulance is a private, non-profit organisation, which operates in accordance with the guiding principles of the Red Cross. It comes to the aid of people in distress, without respect of their nationality, religious conceptions or social status. Swiss air-ambulance operates under the Air Operator Certificate CH-AOC-No.1015 issued by the Federal Office of Civil Aviation Switzerland (FOCA) and is compliant with EU-OPS. Please visit [www.rega.ch](http://www.rega.ch)

comment 373

comment by: Reto Ruesch

CS FTL 1.155

Minimum rest period at the base

Providing the first 3 hours of positioning duty do not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 406

comment by: *Ryanair*

**CS.FTL.1.155 (a) and (b) – Minimum Rest Period**

**Comment**

Any differentiation between rest requirements applicable at a home base versus away from home base has no basis in safety and must be removed.

**Proposal**

(a) DELETE

(b) Minimum Rest Period

The minimum rest period provided before undertaking a flight duty period is at least as long as the preceding duty period, or 10 hours, whichever is the greater.

**CS.FTL.1.155 (c) – Minimum Rest Period**

**Comment**

There is no basis in safety for the removal of the EU-OPS provisions for a change to the start time of the second local night

**Proposal**

Revert to EU-OPS wording (with minor changes to take account of new definitions) as follows:

"...with the approval of the Competent Authority, the second of those local nights may start from 20.00hrs if the recurrent extended recovery rest period has a duration of at least 40 hours".

comment 461

comment by: *Condor Flugdienst GmbH - FRA HO/R*

Acc. to Condor Flugdienst GmbH please add EU OPS flexibility with regards to (c): "The authority may decide that the second of those local nights may start from 20:00 hrs if the weekly rest period has a duration of at least 40 hours."

comment 488

comment by: *Heli Gotthard*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 511

comment by: *Stefan Huber*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 534

comment by: Air Zermatt

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 545

comment by: SCCA/ head of health and safety

- **Any rest away from home base that is less than 12 hours shall include the entire WOCL. The subsequent FDP shall be reduced by the extent of the amount of the reduction of the rest period. The following rest period shall be increased by the amount of reduction of the prior rest period.**
- **On return to home base from long-haul operations the rest shall at least include 4.5 times the difference in local times between the home base and the location with the greatest local time difference where a rest period was taken. This shall be followed by the minimum weekly rest period of 36 hours.**
- **When the home base rest is designed after an FDP that includes three or more time zones, and the next consecutive duty schedule crosses from east to west or vice versa and cover three or more time zones, the two weekly night's sleeps must be increased by one more night sleep.**
- **The minimum rest should not be under 14 hours including one local night during layovers after significant time zone crossing (3 or more time zones).**
- **Split duties (extended FDP due to a break in an adequate rest facility on the ground) potentially combine the adverse effects of prolonged duty periods with those of reduced rest periods. They should be carefully monitored and only be permitted under the following circumstances:**
  - **The break between the two sub-duties should be at least one third of the length of the total flight duty period including at least 4 hours at the sleeping facility. If the sector immediately before the break ends in the WOCL or the sector after the break starts in the WOCL, at least 6 hours at the sleeping facility shall be included. In this case no more than 2 sectors shall be operated after the break.**
  - **Adequate sleeping facilities must be provided by the operator.**

An adequate sleeping facility shall allow for optimum rest being individual accommodation, acoustically insulated, temperature regulated, with private shower and WC and have eating and drinking facilities. Any time spent on travelling from the aircraft to the rest facility and back shall be accounted for as FDP.

- **The total flight duty period of a split duty should never start before 06:00 or end after 22:00.**
- **The rest break shall never be at home base. Extensions due to in-flight rest and due to a break on the ground shall not be combined in one FDP. In operations that include significant time zone crossing (3 or more time zones) no**

**extensions to the maximum FDP shall be granted due to a break on the ground.**

- **The rest period before and after a split duty shall not be reduced and shall include at least the local night.**

It has been established that both fatigue and risk build up over the course of a duty, such that they are substantially higher at the end of longer duties. It is also scientifically established that the body clock has a major impact on (both sleep) the propensity and duration of sleep. The ability to fall asleep and the subsequent sleep duration are significantly impaired at sub-optimal conditions (i.e. during daytime). Finally, it has been established that if insufficient sleep has been obtained between consecutive duties then fatigue and risk will increase. Split duties should only need special provisions and guidelines when they result in an extension of the total flight duty period, i.e. from reporting for the first flight to "engines off & disembarking of passengers at the end of the last flight.

- **The weekly rest period should dissipate fatigue by allowing two local night sleeps. The second night sleep must not be shortened in order to have an early start. A local night shall be defined as a period of 10 hours falling between 22:00 and 10:00.**

comment

568

comment by: *Air-Glaciers (pf)*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment

579

comment by: *RAF-AVIA Airlines*

*The minimum rest period provided before undertaking a flight duty period starting away from home base is not less than 10 hours, when the preceding rest period away from home is not less 10 hours, including an 8 hour sleep opportunity and the last FDP was not longer than 33% from the preceding rest period.*

comment

743

comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.  
We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.  
The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.  
Justification: see LBA - General Comment, reasons 1 and 2

comment

793

comment by: *Heli Gotthard AG Erstfeld*

CS FTL 1.155

Minimum rest period at the base

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as

the preceding duty period).

comment 814 comment by: *SHA (AS)*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 836 comment by: *Berner Oberländer Helikopter AG BOHAG*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 934 comment by: *Heliswiss AG, Belp*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 972 comment by: *Heliswiss*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 996 comment by: *Heliswiss NV*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 1023 comment by: *Dirk Hatebur*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 1119 comment by: *AEA*

**Relevant Text:**

Point c) The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:**

This proposal is not in line with EU-OPS.1.1110 paragraph 2.1 which also provides for the possibility that the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours.

**Proposal:**

Incorporate the full provisions of paragraph 2.1 of EU-OPS 1.1110 through **adding** 'the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours'

comment

1184

comment by: ECA - European Cockpit Association

**Comment** on CS FTL.1.155(c): change as follows:

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the **end start** of one recurrent extended recovery rest period and the start of the next.

**Justification:**

The scientific evaluation recommends to require four weekly rest periods in every 28 consecutive days.

comment

1185

comment by: ECA - European Cockpit Association

Comment on CS FTL.1.155: add the following new paragraph (d):

**Minimum rest when crossing time zones**

**Whenever a crew member became non- acclimatised the minimum rest period provided before undertaking a flight duty period is at least as long as the preceding duty period, or 14 hours, whichever is the greater.**

**Justification:**

Scientific recommendation on layover is that the minimum rest should be 14 hours after significant time crossing.

Minimum local nights in the rest period when returning to home base following time zone crossing should be according to the table in the scientific evaluation. See comment on OR.OPS.010.FTL, adding a definition on acclimatisation.

comment

1233

comment by: Sven Freisenich

**Minimum Rest Period (a)**

Maintain the wording of EU-OPS

**EU- OPS 1.1110.1 Rest**

**CS FTL.1.155 Minimum Rest Period**

1. Minimum rest

1.1. The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater;

EU-OPS 1.1110 Rest

**Minimum Rest Period (b)**

Maintain the wording of EU-OPS

**EU- OPS 1.1110.1 Rest**

1.2. The minimum rest which must be provided before undertaking a flight duty period starting away from home base shall be at least as long as the preceding duty period or 10 hours whichever is the greater; when on minimum

rest away from home base, the operator must allow for an eight hour sleep opportunity taking due account of travelling and other physiological needs;  
EU-OPS 1.1110 Rest

### **Minimum Rest Period (c)**

There is no definition for "cumulative fatigue". There is no safety argument to link "recurrent extended recovery " rest periods with "cumulative fatigue".

To quote the Moebus study on page 27: "Question 10: The effects of the format of rest periods on cumulative fatigue (ref. EU-OPS 1.1110 para 2.1)...In the absence of direct scientific evidence, it is not possible to provide clear guidance on the relationship between cumulative fatigue and the frequency of days off."

Maintain the wording of EU-OPS

### **EU- OPS 1.1110.2 Rest Periods**

#### **CS FTL.1.155 Minimum Rest Period**

(c) Recurrent extended recovery rest periods

An operator shall ensure that the minimum rest provided as outlined above is increased periodically to a weekly rest period, being a 36-hour period including two local nights, such that there shall never be more than 168 hours between the end of one weekly rest period and the start of the next. As an exception, the second of those local nights may start from 20:00 hours if the weekly rest period has a duration of at least 40 hours.

EU-OPS 1.1110.2

There is no scientifically based argument to link cumulative fatigue and frequency of days off.

comment

1254

comment by: *barry birch*

Will CS FTL.1.155 Minimum rest periods only apply to aeroplanes doing commercial work or may it also apply to, for example balloons which also carry passengers?

If it applies to balloons then many operators will not have sufficient staff to comply. Barry Birch, Balloon Pilot/Instructor, Italy.

comment

1317

comment by: *Catherine Nussbaumer*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment

1341

comment by: *Jan Brühlmann*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment

1363

comment by: *Walter Mayer, Heliswiss*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 1444

comment by: Unionen/Sweden

*As a general condition to all rest arrangements and when on minimum rest away from home base, the operator must allow for an eight-hour bed-time rest, taking due account of travelling and other physiological needs.*

- **Any rest away from home base that is less than 12 hours shall include the entire WOCL. The subsequent FDP shall be reduced by the extent of the amount of the reduction of the rest period. The following rest period shall be increased by the amount of reduction of the prior rest period.** *Minimum rest requirements are intended to ensure that any fatigue that has built up over the previous duty period can be adequately dissipated. To achieve this the rest period must include the entire WOCL period, as rest times failing to include it are unlikely to result in adequate sleep. In order to avoid the build up of cumulative fatigue the lost rest should be recovered immediately after a reduced rest period.*
- **On return to home base from long-haul operations the rest shall at least include 4.5 times the difference in local times between the home base and the location with the greatest local time difference where a rest period was taken. This shall be followed by the minimum weekly rest period of 36 hours.**
- **When the home base rest is designed after an FDP that includes three or more time zones, and the next consecutive duty schedule crosses from east to west or vice versa and cover three or more time zones, the two weekly night's sleeps must be increased by one more night sleep.**
- **The minimum rest should not be under 14 hours including one local night during layovers after significant time zone crossing (3 or more time zones).**
- **Split duties (extended FDP due to a break in an adequate rest facility on the ground) potentially combine the adverse effects of prolonged duty periods with those of reduced rest periods. They should be carefully monitored and only be permitted under the following circumstances:**
  - **The break between the two sub-duties should be at least one third of the length of the total flight duty period including at least 4 hours at the sleeping facility. If the sector immediately before the break ends in the WOCL or the sector after the break starts in the WOCL, at least 6 hours at the sleeping facility shall be included. In this case no more than 2 sectors shall be operated after the break.**
  - **Adequate sleeping facilities must be provided by the operator.** *An adequate sleeping facility shall allow for optimum rest being individual accommodation, acoustically insulated, temperature regulated, with private shower and WC and have eating and drinking facilities. Any time spent on travelling from the aircraft to the rest facility and back shall be accounted for as FDP.*
  - **The total flight duty period of a split duty should never start before 06:00 or end after 22:00.**
  - **The rest break shall never be at home base.**

- **Extensions due to in-flight rest and due to a break on the ground shall not be combined in one FDP. In operations that include significant time zone crossing (3 or more time zones) no extensions to the maximum FDP shall be granted due to a break on the ground.**
- **The rest period before and after a split duty shall not be reduced and shall include at least the local night.**

*It has been established that both fatigue and risk build up over the course of a duty, such that they are substantially higher at the end of longer duties. It is also scientifically established that the body clock has a major impact on (both sleep) the propensity and duration of sleep. The ability to fall asleep and the subsequent sleep duration are significantly impaired at sub-optimal conditions (i.e. during daytime). Finally, it has been established that if insufficient sleep has been obtained between consecutive duties then fatigue and risk will increase. Split duties should only need special provisions and guidelines when they result in an extension of the total flight duty period, i.e. from reporting for the first flight to "engines off & disembarking of passengers at the end of the last flight.*

- **The weekly rest period should dissipate fatigue by allowing two local night sleeps. The second night sleep must not be shortened in order to have an early start. A local night shall be defined as a period of 10 hours falling between 22:00 and 10:00.**

comment

1555

comment by: Pascal DREER

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment

1594

comment by: British Airways

(b) What does the expression 'other physiological needs' mean?  
 (c) What is the rationale for using 36 hours for an extended recovery rest period? This figure should be 34 hours as this represents the earliest start (22:00hrs) and the latest finish (08:00hrs) of two Local Nights.

comment

1621

comment by: TAP Portugal

**Relevant Text:**

Point c) The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:**

This proposal is not in line with EU-OPS.1.1110 paragraph 2.1 which also provides for the possibility that the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours.

**Proposal:**

Incorporate the full provisions of paragraph 2.1 of EU-OPS 1.1110 through **adding** *'the second of those local nights may start from 20h00 if the weekly*

*rest period has duration of at least 40 hours'*

comment

1738

comment by: *Richard ALLEN*

(a) the proposed periods of duty and of rest are wholly unsuitable for hot air ballooning. Commercially passenger balloon flights are typically around an hour in duration, which is in the main far less than the duration of a commercial fixed wing flight. Also, a minimum of 12 hours for rest would typically mean that a balloon pilot could only fly once a day. For balloon safety, a rest period as long as the preceding duty period would be sufficient.

comment

1753

comment by: *Jill Pelan*

**CS FTL.1.155 Minimum Rest Period  
THE CFDT France asks for this to be included in IR**

The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

comment

1781

comment by: *Sean Butler, bmi*

Page: 35 **Section:** CS.FTL.1.155 Minimum Rest Period

**Relevant Text:**

Point c) The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:**

This proposal is not in line with EU-OPS.1.1110 paragraph 2.1 which also provides for the possibility that the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours.

**Proposal:**

'Copy paste' the full provisions of paragraph 2.1 of EU-OPS 1.1110 through adding 'the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours'

comment

1822

comment by: *KLM***Relevant Text:**

Point c) The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:**

This proposal is not in line with EU-OPS.1.1110 paragraph 2.1 which also provides for the possibility that the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours.

**Proposal:**

'Copy paste' the full provisions of paragraph 2.1 of EU-OPS 1.1110 through adding 'the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours'

comment

1834

comment by: *barry birch*

Thess duty rest periods are excessive when applied to flight operations for a balloon, even large balloons. Pilots do not suffer the same fatigue as those flying longhaul international flights.

So balloons should be omitted from these rigorous requirements. Barry Birch, Balloon Pilot/Instructor, Italy.

comment

1875

comment by: *Gordana BOBERIC*

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:** The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

comment

1958

comment by: *FSC - CCOO*

**Comment:** The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

- comment 2134 comment by: *AUSTRIAN Airlines*
- Relevant Text:**  
Point c) The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.
- Comment:**  
This proposal is not in line with EU-OPS.1.1110 paragraph 2.1 which also provides for the possibility that the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours.
- Proposal:**  
Incorporate the full provisions of paragraph 2.1 of EU-OPS 1.1110 through **adding** *'the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours'*
- 
- comment 2207 comment by: *Ted Moore*
- Due to the nature of balloon flight timings where it is normal to have a flight in the early morning followed by a rest period and then another flight in the evening the proposed rest periods of a minimum of twelve hours would make two flights a day impossible.
- There should be a separate set of FTL rules for hot air ballooning.
- 
- comment 2223 comment by: *Christophe Baumann*
- Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).
- 
- comment 2246 comment by: *HDM Luftrettung gGmbH*
- CS.FTL.1.155:  
Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).
- 
- comment 2266 comment by: *Benedikt SCHLEGEL*
- Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).
- 
- comment 2267 comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*
- CS FTL 1.155 Minimum Rest Period (a)**

**Proposal:**

The minimum rest period for **Cabin crew**, which must be undertaken before undertaking a flying duty period shall be as long as the preceding duty period less 1 hour or 11 hours whichever is the greater. This will ensure a crew can remain together taking into account the earlier report time and later finish for Cabin crew.

comment

2298

comment by: *kapers Cabin Crew Union*

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Comment: The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

comment

2614

comment by: *Deutsche Lufthansa AG***Relevant Text:**

Point c) The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:**

This proposal is not in line with EU-OPS.1.1110 paragraph 2.1 which also provides for the possibility that the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours.

**Proposal:**

Incorporate the full provisions of paragraph 2.1 of EU-OPS 1.1110 through **adding** *'the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours'*

comment

2722

comment by: *Philipp Peterhans*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 2823 comment by: BALPA

Section (a) identifies the rest requirement "...before undertaking a *flight duty period*.". This doesn't seem to take into consideration ground duties. Therefore, can a standby that is unused be followed by another standby starting, for example, 4 hours later? If so, this is blantly nowhere near the minimum rest requirement between two flying duties so what's the difference between flying and ground duties! Our concern highlighted in OR.OPS.050 FTL regarding the definition of "designated" rest periods is again raised. This needs to be clarified carefully to ensure safety is upheld.

Secton (b) We are concerned that the levels proposed here are too low and feel operators should prove, through FRMS, that safety isn't compromised.

Section (c) The amount of time required between two 168 hour work periods, is only one "Recurrent extended recovery rest period" of 36 hours. Whilst any FRMS system will identify that this is too low, we believe at least 2 consecutive days off per 14 days and 7 days off within any 4 consecutive weeks (with an average of 8 days off in each consecutive 4 week period, averaged over 3 periods) should be the absolute minimum. We require the Agency to take a more prescriptive view in this section.

comment 2837 comment by: Ph.Walker

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 2966 comment by: Gregor Rozina

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Comment: The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

comment 2978 comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

Point c) The minimum recurrent extended recovery rest period to compensate

for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment:**

This proposal is not in line with EU-OPS.1.1110 paragraph 2.1 which also provides for the possibility that the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours.

**Proposal:**

Incorporate the full provisions of paragraph 2.1 of EU-OPS 1.1110 through **adding** *'the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours'*

comment

3056

comment by: UCC SLO

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

Comment: The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

comment

3100

comment by: ERA

**European Regions Airline Association Comment**

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. ERA reserves the right to come back to EASA on Section VIII once the options issue has been settled.

The ERA Directorate understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that the Directorate would welcome Industry participation in providing 'expert' input'.

comment

3183

comment by: DGAC

**Proposal** : add a new (d) containing provisions for reduced rest (*consider inter*

*alia) our national provisions laid down in "arrêté du 25 mars 2008" and "instruction du 25 mars 2008" as amended 13 june 2008 and and 9 july 2008 and notified to the commission before 16 july 2008)*

**Justification :** see our comment on OR.OPS.355.FTL Rest periods in line with article 8.4 of Regulation (EEC) No 3922/91

comment

3256

comment by: Hans MESSERLI

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment

3294

comment by: cfdt france

### **CS FTL.1.155 Minimum Rest Period**

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

**Comment: The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).**

comment

3319

comment by: cfdt france

### **CS FTL.1.155 Minimum Rest Period**

#### **THE CFDT France asks for this to be included in IR**

The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

(a) Minimum rest period at home base.

The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 hours, whichever is the greater.

(b) Minimum rest period away from home base.

The minimum rest period provided before undertaking a flight duty period starting away from home base is at least as long as the preceding duty period, or 10 hours, whichever is the greater. The minimum rest period away from

home base includes an 8 hour sleep opportunity taking account of travelling and other physiological needs

(c) Recurrent extended recovery rest periods

The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36hour period including two local nights, such that there are never more than 168 hours between the end of one recurrent extended recovery rest period and the start of the next.

comment 3431 comment by: *ECA - European Cockpit Association*

Comment: add provision for rest after airport standby not followed by FDP.

Justification:

Provision missing in EU OPS.

comment 3484 comment by: *Trans Héli (pf)*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 3561 comment by: *KLM Cityhopper*

**Comment:**

This proposal is not in line with EU-OPS.1.1110 paragraph 2.1 which also provides for the possibility that the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours.

**Proposal:**

Incorporate the full provisions of paragraph 2.1 of EU-OPS 1.1110 through **adding** 'the second of those local nights may start from 20h00 if the weekly rest period has duration of at least 40 hours'

comment 3589 comment by: *Heliswiss International*

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment 3627 comment by: *ECA - European Cockpit Association*

Comment on CS FTL.1.155 (c): Change 168 hours into 132 hours:

(c) Recurrent extended recovery rest periods The minimum recurrent extended recovery rest period to compensate for cumulative fatigue is a 36-hour period including two local nights, such that there are never more than ~~168~~ **132** hours between the end of one recurrent extended recovery rest period and the start of the next.

Justification:

This will allow a weekly rest in any 7 consecutive days and thereby reduce the risk of accumulative fatigue, in line with Moebus Study.

comment	3734 ❖	comment by: AEA
<p><b>Relevant text:</b> OR.OPS.355. FTL (d) <i>Weekly recurrent extended recovery rest</i> periods to compensate for cumulative fatigue.</p> <p><b>Comment:</b> There is a wording difference between OR. OPS 355 and CS.FTL 155. In CS 155 we read "Recurrent extended recovery rest" and "Weekly recurrent recovery rest" in OR.OPS 355. Both should be the same.</p> <p><b>Proposal</b> Have only one definition: "<i>recurrent extended recovery rest</i>"</p>		
comment	3746	comment by: Christian Hölzle
<p>Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).</p>		
comment	3800	comment by: Swiss Helicopter Group
<p>Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).</p>		
comment	3880	comment by: Eliticino SA
<p>Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).</p>		
comment	3926	comment by: Air Berlin PLC & Co. Luftverkehrs KG
<p>Maintain the wording of EU-OPS <b>EU- OPS 1.1110.1 Rest</b></p> <p><b>CS FTL.1.155 Minimum Rest Period</b> 1. Minimum rest 1.1. The minimum rest which must be provided before undertaking a flight duty period starting at home base shall be at least as long as the preceding duty period or 12 hours whichever is the greater;</p> <p>EU-OPS 1.1110 Rest</p> <p>1.2. The minimum rest which must be provided before undertaking a flight duty period starting away from home base shall be at least as long as the preceding duty period or 10 hours whichever is the greater; when on minimum rest away from home base, the operator must allow for an eight hour sleep opportunity taking due account of travelling and other physiological needs;</p>		

There is no definition for "cumulative fatigue". There is no safety argument to link "recurrent extended recovery " rest periods with "cumulative fatigue".

To quote the Moebus study on page 27: "Question 10: The effects of the format of rest periods on cumulative fatigue (ref. EU-OPS 1.1110 para 2.1)...In the absence of direct scientific evidence, it is not possible to provide clear guidance on the relationship between cumulative fatigue and the frequency of days off."

Maintain the wording of EU-OPS

**EU- OPS 1.1110.2 Rest Periods**

**CS FTL.1.155 Minimum Rest Period**

(c) Recurrent extended recovery rest periods

An operator shall ensure that the minimum rest provided as outlined above is increased periodically to a weekly rest period, being a 36-hour period including two local nights, such that there shall never be more than 168 hours between the end of one weekly rest period and the start of the next. As an exception, the second of those local nights may start from 20:00 hours if the weekly rest period has a duration of at least 40 hours.

EU-OPS 1.1110.2

There is no scientifically based argument to link cumulative fatigue and frequency of days off.

comment

4017

comment by: CUD

Comment: The provisions of this CS should be included in IR as they are substantive provisions of Subpart Q EU OPS (BR 216/2008 Art. 22, 2. (a)).

comment

4040

comment by: ADAC Luftrettung GmbH

Providing the first 3 hours of positioning duty does not count, the rest period at home or away from home shall be the same (at least 10 hours or as long as the preceding duty period).

comment

4084

comment by: Tyrolean Airways

Compared to EU OPS / Q the table is identical, but "Q" allows some flexibility here for the NAAs. That makes sense, as in our opinion this was due to the idea, that any NAA will know the needs the aviation industry in the specific country and must determine what is acceptable in regards to safety. Compared to the limits currently approved from the NAAs, there will be a significant reduction (up to 4 hours!!!!!!)

**C. IV. Draft Decision (CS) Part-OR - Subpart OPS - Section VIII - CS  
FTL.1.160 Unforeseen circumstances in actual flight operations – discretion**

p. 35

comment

212

comment by: Eurowings Luftverkehrs AG

The reference to CS FTL 1.1135 (b) and (c) is not comprehensible. Reference to CS FTL 1.1135 (a) and (b) would result in an understandable context.

Otherwise there is no definition for the maximum increase of the max. basic FDP.

comment 213 comment by: *Eurowings Luftverkehrs AG*  
Totally not understandable, as there is no CS FTL 1.1135 (d)!

comment 407 comment by: *Ryanair*  
**CS.FTL.1.160 (a)(4) – Unforeseen Circumstances in Actual Flight Operations – Discretion by the Pilot in Command**  
**Comment**  
Any differentiation between rest requirements applicable at a home base versus away from home base has no basis in safety and must be removed.  
**Proposal**  
(4) "In the event of such circumstances, the rest period following the FDP may be reduced by a maximum of 2 hours but never below 10 hours"

comment 462 comment by: *Condor Flugdienst GmbH - FRA HO/R*  
According to Condor Flugdienst GmbH the whole para is confusing! The first two numbers of article (a) are contradictory. EASA should clarify this whole para.  
Article (2) refers to FTL 1.135 (d) which does not exist!

comment 677 comment by: *easyjet safety*  
Comment: provisions 1 and 2 are unclear. There is no CS.FTL.1.135 (d)  
Proposal: Amend to read:  
1: The maximum daily FDP which results after applying CS.FTL.1.135 (a) and where applicable (c) may not be increased by more than two hours unless the crew has been augmented in which case the maximum flight duty period may be increased by not more than three hours.  
2: The maximum daily FDP which results after applying CS.FTL.1.135 (b) and where applicable (c) may not be increased by more than one hour unless the crew has been augmented in which case the maximum flight duty period may be increased by not more than two hours.  
Comment: Provision 4 limits the use of discretion to reduce rest to those circumstances where the FDP has been extended.  
Proposal: Amend to read: "Rest periods may be reduced at home base and away from base but never below the minimum defined in CS.1.155(b)"

comment 684 comment by: *Dassault Aviation*  
Editorial comment.  
Page 35 CS FTL.1.160 §(a)(1) [resp. (a)(2)]: the reference to CS FTL.1.135(b)

and (c) [resp. CS FTL.1.135(b), (c) and (d)] is in error and should instead read CS FTL.1.135(a) and (c) [resp. CS FTL.1.135(b) and (c)].

comment 692 comment by: *Dassault Aviation*

Technical comment.

Page 35 CS FTL.1.160(a)(1) [resp. (a)(2)]: in unforeseen circumstances, in case the flight crew has been augmented, the text says that the maximum FDP may be increased by not more than 3 hours [resp. 2 hours]. This provision can not be applied, since the proposed CS FTL.1 does not give maximum FDP in the case there is an augmented flight crew - CS FTL.1 only gives provision for minimal crew. EASA should first develop maximum FDP in the case there is an augmented flight crew. Second, do the 3 hours [resp. 2 hours] can be cumulated as many times as there are additional qualified pilots in the augmented flight crew (for example, if the augmented flight crew is composed of 3 qualified pilots, can the increase be 9 hours [resp. 6 hours] ?)

comment 703 comment by: *Civil Aviation Authority of Norway*

The relationship between the provisions in subsection (1) and subsection (2) seems unclear.

There is no subparagraph (d) in CS.FTL.1.135. The reference to this subsection does therefore seem to be an error.

comment 704 comment by: *Civil Aviation Authority of Norway*

Comment to subsection (a)(4):

It should be specified in a clearer manner if the phrasing "minimum rest" refers only to the 12/10 hour limit, or if the rest period must be as long as the preceding duty, if this is more than 12/10 hours.

comment 744 comment by: *Luftfahrt-Bundesamt*

The LBA does not agree to move EU-OPS in a CS, due to its legal uncertainty, even when the Basic Regulation asks for a CS.

We herewith request to establish a clear legal situation by keeping the FTL – Requirements in the Implementing Rules.

The FTL rules as proposed do not include requirements for corporate operations with non-complex motor powered aircraft. This is not acceptable as pilots of these aircraft deserve the same protection against fatigue as their colleagues in larger aircraft.

Justification: see LBA - General Comment, reasons 1 and 2

comment 1120 comment by: *AEA*

**Comment:** There seems to be some contradiction in the text (ref CS.FTL.1.135(d) does not exist). In addition, the text is not consistent with EU-OPS

**Proposal:** Add 2 h extension to the max applicable FDP for basic flight crew and 3h extension to the max applicable FDP for augmented flight crew (3 pilots or more)

(tbd)

comment

1188

comment by: ECA - European Cockpit Association

Comment on CS FTL.1.160 (a): change as follows:

The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, shall comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 ~~(a) (b) and (c)~~ may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP **finishing away from base** may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b).

Justification:

The intention of the paragraph becomes unclear as the references seem to be incorrect:

In paragraph (1):

CS FTL.1.135 (b) refers to an extended FDP only;

CS FTL.1.135 (c) refers to an FDP with different reporting time for flight crew and cabin crew.

In paragraph (2):

CS FTL.1.135 (d) does not exist.

Furthermore, rest at home base shall not be reduced, for any reason. Staffing must be adequate to cope with the aftermath at the home base. The proposed change in paragraph (4) reflects this.

comment

1236

comment by: Sven Freisenich

### **Unforeseen circumstances in actual flight operations – discretion by pilot in command**

Should be (a) and (c). OPS 1.1120.1 does not specify who shall made the decision to extend, but only specifies such decision shall be acceptable to the PIC. The EASA NPA specifies this decision shall be made by the PIC. The operator shall still be able to propose extensions to the PIC, subject to PIC's acceptance.

Should be (b) and (c). CS FTL.1.160 references to CS FTL.1.135 are wrong

(e.g. CS FTL.1.135 (d) does not exist).

Replace "such" by "unforeseen". If not, (4) will not be possible if the PIC has not extended the previous FDP. PIC should be able to reduce rest period without necessarily having increased the previous FDP.

**CS FTL.1.160 Un foreseen circumstances in actual flight operations – discretion by pilot in command**

Maintain wording of EU-OPS 1.1120, but replacing the reference to "1.1105.1.3" by "maximum basic FDP of 13 hours".

EU-OPS 1.1120.1.1 clearly refers to 1.1105.1.3 i.e. maximum basic FDP of 13 hours.

The (ab)use of the discretion by the PIC is monitored: EU-OPS 1.1120.1.3.2. requires the PIC whenever the increase of a FDP or reduction of a rest period exceeds one hour, to file a report, to which the operator must add his comments, and provide to the Competent Authority no later than 28 days after the event. Last but not least, such events will also be considered under the operator's FRMS, part of its SMS.

comment

1400

comment by: UK CAA

**Page No:** 35

**Paragraph No:** CS FTL 1.160

**Comment:** Now that tables have been included in CS FTL 1.135 the references in (a) (1) and (2) need to be corrected.

**Justification:** Unintended typographical errors.

comment

1600

comment by: British Airways

(a) (1) Replace entire item with current wording in BA Scheme. There isn't any need to add further constraints to the existing words.

*The maximum FDP for either a single sector duty or a multi-sector duty may be extended by up to 3 hours, at the commander's discretion. If a Flying Duty Period involving 2 or more sectors up to a maximum of 2 hours discretion may be exercised prior to the start of the first and subsequent sectors. On a single sector flight or immediately prior to the last sector on a multi-sector flight, a maximum of 3 hours extension may be exercised. An extension of 3 hours is the maximum permitted, except in cases of emergency (see Note).*

*Note: 1. In respect of an extension of a flying duty period, an emergency is a situation which in the judgement of the commander presents a serious risk to the health or safety of crew and passengers, or endangers the lives of others*

In item (a) (2) there is a reference to CS.FTL.1.135 (d) - this item does not exist in the NPA document.

(b) Replace the whole sentence with - *The pilot in command should take note of the circumstances of all crew members before deciding these modifications.*

comment

1622

comment by: TAP Portugal

**Comment:** There seems to be some contradiction in the text (ref CS.FTL.1.135(d) does not exist). In addition, the text is not consistent with EU-OPS

**Proposal:** Add 2 h extension to the max applicable FDP for basic flight crew and 3h extension to the max applicable FDP for augmented flight crew (3 pilots or more)  
(tbd)

comment 1754

comment by: Jill Pelan

**CS FTL.1.160 Un foreseen circumstances in actual flight operations – discretion by the pilot in command**

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

**THE CFDT France asks for Replacement** : flight and cabin

**Reason:** When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

**Delete: (2)**

**Reason:** CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

Replace: (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period**

**(FDP) and CS FTL.1.135 Maximum daily Flight Duty Period (FDP).**

**Reason:** The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

comment 1782

comment by: Sean Butler, bmi

**Page: 35 Section: CS FTL.1.160 Unforeseen circumstances in actual flight operations – discretion by the pilot in command****Relevant Text:**

**Comment:** There seems to be some contradiction in the text (ref CS.FTL.11.135(d) does not exist)

**Proposal:** Revert to EU-OPS wording + reference to 'applicable' FTL period

comment 1823

comment by: KLM

**Comment:** There seems to be some contradiction in the text (ref CS.FTL.1.135(d) does not exist). In addition, the text is not consistent with EU-OPS

**Proposal:** Add 2 h extension to the max applicable FDP for basic flight crew and 3h extension to the max applicable FDP for augmented flight crew (3 pilots or more)

comment 1858

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF

**CS FTL.1.160 Unforeseen circumstances in actual flight operations – discretion by the pilot in command**

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155

(b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

**Replace:** flight and cabin

Reason: When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

Delete: (2)

Reason: CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

**Replace:** (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period (FDP)** and **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**.

Reason: The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period

comment 1876

comment by: Gordana BOBERIC

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155

(b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

Replace: flight and cabin

Reason: When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

Delete: (2)

Reason: CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

Replace: (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period (FDP)** and **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**.

Reason: The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

comment

1959

comment by: FSC - CCOO

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

Replace: flight and cabin

Reason: When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

comment 1960 comment by: FSC - CCOO

Delete: (2)

Reason: CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

comment 1961 comment by: FSC - CCOO

Replace: (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period (FDP)** and **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**.

Reason: The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

comment 2135 comment by: AUSTRIAN Airlines

**Comment:** There seems to be some contradiction in the text (ref CS.FTL.1.135(d) does not exist). In addition, the text is not consistent with EU-OPS

**Proposal:** Add 2 h extension to the max applicable FDP for basic flight crew and 3h extension to the max applicable FDP for augmented flight crew (3 pilots or more)  
(tbd)

comment 2200 comment by: M Wilson-NetJets

**Original text:**  
(b) The pilot in command should consult all crew members before deciding these modifications.

**Suggested new text:**  
(b) The pilot in command shall consult all crew members before deciding these modifications.

**Comment/suggestion:**  
It should not be left as an option for the PIC to consult all crewmembers before modifying the FDP.

comment 2300 comment by: kapers Cabin Crew Union

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the

following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

Replace: flight and cabin

Reason: When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

Delete: (2)

Reason: CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

Replace: (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period (FDP)** and **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**.

Reason: The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

comment 2615

comment by: Deutsche Lufthansa AG

**Comment:** There seems to be some contradiction in the text (ref CS.FTL.1.135(d) does not exist). In addition, the text is not consistent with EU-OPS

**Proposal:** Add 2 h extension to the max applicable FDP for basic flight crew

and 3h extension to the max applicable FDP for augmented flight crew (3 pilots or more)

comment

2674

comment by: *M Wilson-NetJets***Original text:**

(a) (2) See text

**Suggested new text:**

No suggested text

**Comment/suggestion:**

(a)-(2)'..., which results after applying CS.FTL.1.135 (b), (c) and (d).

In CS.FTL.1.135 there is no item (d).

**Recommendation:**

Correct item (a)-2) or item CS.FTL.1.135 as appropriate.

comment

2970

comment by: *Gregor Rozina*

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

Replace: flight and cabin

Reason: When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

Delete: (2)

Reason: CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

Replace: (b) The pilot in command should consult all crew members before

deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period (FDP)** and **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**.

Reason: The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

comment

2979

comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:** There seems to be some contradiction in the text (ref CS.FTL.1.135(d) does not exist). In addition, the text is not consistent with EU-OPS

**Proposal:** Add 2 h extension to the max applicable FDP for basic flight crew and 3h extension to the max applicable FDP for augmented flight crew (3 pilots or more)  
(tbd)

comment

3057

comment by: *UCC SLO*

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

Replace: flight and cabin

Reason: When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and

in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

Delete: (2)

Reason: CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

Replace: (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period (FDP)** and **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**.

Reason: The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

comment

3101

comment by: ERA

**European Regions Airline Association Comment**

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. ERA reserves the right to come back to EASA on Section VIII once the options issue has been settled.

The ERA Directorate understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that the Directorate would welcome Industry participation in providing 'expert' input'.

comment

3103

comment by: BALPA

Whilst this section mentions flight crew augmentation, the document does not detail the processes used, or extensions available, if such a practice is used. Has this been left out by mistake?

Section (2) - states that CS FTL.1.135 (b), (c) and (d) should be applied. However, there is no section CS FTL.1.135 (d) in this NPA so we are unable to comment on this paragraph.

comment

3147

comment by: Austro Control GmbH

Clarification of Point (a) (1) and (2) is needed, since CS FTL.1.135 (a) is not mentioned and CS FTL.1.135 (d) is not available.

New text suggested:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (a) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) (c) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;

comment

3163

comment by: Lufthansa CityLine GmbH

### CS FTL.1.160 ( a ) (1)+(2)

According to OPS 1.1120, 1.1. the commander may increase the maximum daily FDP in case of unforeseen circumstances referring to OPS 1.1105 point 1.3 (13 hours) up to two hours and three hours if the flight crew has been augmented.

There is no reference to OPS 1.1105 1.4. and 1.5.

German Authorities confirmed that reductions for sectors and encroaching on the WOCL do not apply in those circumstances.

(1) Taking the maximum FDP after applying CS FTL.1.135 (b) as (c) as "basic FDP" would reduce the flexibility needed in unforeseen circumstances in an unacceptable way. The difference between the limits according to OPS 1.1120 and CS FTL.1.160 (a) (1) + (2) in some cases is more than two hours.

Results would be of heavy economical impact for operators and cause great disadvantages for passengers. Delays forced by crew changes out of crew bases and unplanned overnight stays of passengers and crews would increase significantly.

(2) CS FTL 1.135 (d) does not exist

comment

3184

comment by: DGAC

(a) :

**Proposal** : Amend the references in (a)(1) and (a)(2) as follows :

"(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (a) ~~(b)~~ and (c) may not be increased by [...];

(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) ~~and~~, (c) ~~and~~ ~~(d)~~ may not be increased by [...];"

**Justification:** It is not operationally applicable to reduce the margin on TSV that have been increased due to augmented crew that allows for in-flight rest, because the longer the flight is, the higher the likelihood of unexpected circumstances to occur will be.

Generally speaking, to avoid inaccurate references to CS FTL.1.135 it could be better to refer to « the maximum **applicable** flight duty period »

comment

3295

comment by: cfdt france

**CS FTL.1.160 Un foreseen circumstances in actual flight operations – discretion by the pilot in command**

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

**Replace with: "flight and cabin"**

**Reason:** When developing CS the Agency should reflect scientific and technical knowledge, The MOE BUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

**Delete: (2)**

**Reason:** CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

**Replace:** (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in OR.OPS.335.FTL Flight Duty Period (FDP) and CS FTL.1.135 Maximum daily Flight Duty Period (FDP).

**Reason:** The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. "No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period."

comment

3320

comment by: *cfdt france*

**CS FTL.1.160 Un foreseen circumstances in actual flight operations – discretion by the pilot in command**

(a) The conditions for the modification of the limits on flight duty, duty and

rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

~~(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c) and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;~~

(3) If on the final sector within a FDP unforeseen circumstances occur after take off that will result in the permitted increase being exceeded, the flight may continue to the planned destination or alternate;

(4) In the event of such circumstances, the rest period following the FDP may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b).

~~(b) The pilot in command should consult all crew members before deciding these modifications.~~

**THE CFDT France asks for Replacement** : flight and cabin

**Reason:** When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

**Delete: (2)**

**Reason:** CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

Replace: (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period (FDP)** and **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**.

**Reason:** The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

comment

3432

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Paragraph text:**

(2) The maximum basic daily FDP which results after applying CS FTL.1.135 (b), (c)

and (d) may not be increased by more than one hour unless the flight crew has been augmented, in which case the maximum flight duty period may be increased by not more than 2 hours;

**Comment:**

There is no subparagraph (d) in CS FTL.1.135.

comment

3562

comment by: *KLM Cityhopper*

**Comment:** There seems to be some contradiction in the text (ref CS.FTL.1.135(d) does not exist). In addition, the text is not consistent with EU-OPS

**Proposal:** Add 2 h extension to the max applicable FDP for basic flight crew and 3h extension to the max applicable FDP for augmented flight crew (3 pilots or more)  
(tbd)

comment

3656

comment by: *AIR FRANCE*

**Comment:** There seems to be some contradictions in the text (ref CS.FTL.1.135(d) does not exist). In addition, the text is not consistent with EU-OPS

**Proposal:** Add 2 h extension to the max applicable FDP for basic flight crew and 3h extension to the max applicable FDP for augmented flight crew (3 pilots or more)

comment

3927

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

p35 **CS FTL.1.160 Unforeseen circumstances in actual flight operations – discretion by pilot in command**

Should be (a) and (c). OPS 1.1120.1 does not specify who shall made the decision to extend, but only specifies such decision shall be acceptable to the PIC. The EASA NPA specifies this decision shall be made by the PIC. The operator shall still be able to propose extensions to the PIC, subject to PIC's acceptance.

Should be (b) and (c). CS FTL.1.160 references to CS FTL.1.135 are wrong (e.g. CS FTL.1.135 (d) does not exist).

Replace "such" by "unforeseen". If not, (4) will not be possible if the PIC has not extended the previous FDP. PIC should be able to reduce rest period without necessarily having increased the previous FDP.

**CS FTL.1.160 Un foreseen circumstances in actual flight operations – discretion by pilot in command**

Maintain wording of EU-OPS 1.1120, but replacing the reference to "1.1105.1.3" by "maximum basic FDP of 13 hours".

EU-OPS 1.1120.1.1 clearly refers to 1.1105.1.3 i.e. maximum basic FDP of 13 hours.

The (ab)use of the discretion by the PIC is monitored: EU-OPS 1.1120.1.3.2. requires the PIC whenever the increase of a FDP or reduction of a rest period

exceeds one hour, to file a report, to which the operator must add his comments, and provide to the Competent Authority no later than 28 days after the event. Last but not least, such events will also be considered under the operator's FRMS, part of its SMS.

comment 4011 comment by: ANE (Air Nostrum) OPS QM

CS FTL 1.160.

- o In CS FTL 1.160 (a) (4) it is stated that in unforeseen circumstances in actual flight, after reporting time, the rest period may be reduced but never below the minimum rest period defined in CS FTL.1.155 (b). **It would be clearer if it was written 10 hours.**

Recent EASA presentations regarding options for future FTL scheme for CAT operations [RM task OPS 055] means this section remains under review. A lack of response at this time should not be interpreted as tacit acceptance of Section VIII. We reserves the right to come back to EASA on Section VIII once the options issue has been settled. We understand that the Agency are planning separate Rule making activity in regard to FTL and wish to re-iterate that we would welcome Industry participation.

comment 4018 comment by: CUD

(1) The maximum basic daily FDP which results after applying CS FTL.1.135 (b) and (c) may not be increased by more than two hours unless the ~~flight~~ crew has been augmented, in which case the maximum flight duty period may be increased by not more than 3 hours;

**Replace:** flight and cabin

**Reason:** When developing CS the Agency should reflect scientific and technical knowledge, The MOEBUS study in the answer to question 5 quotes numerous recent scientific studies showing that cabin crew are more likely to be affected by hypoxia and other fatigue increasing factors than flight crew, therefore and in order to guarantee a satisfactory level of alertness in the cabin crew towards the end of the FDP the use of the provisions in CS FTL.1.160 should be limited to flights with augmented flight and cabin crew. From the viewpoint of general health, physiological needs, and required levels of alertness, the same requirements for flight and cabin crew should be applied.

comment 4019 comment by: CUD

**Delete:** (2)

**Reason:** CS FTL.1.135 (d) does not exist therefore there is no difference between (1) and (2).

comment 4021 comment by: CUD

**Replace:** (b) The pilot in command should consult all crew members before deciding these modifications. At least the minimum number of cabin crew defined in OR.OPS.105.CC and OR.OPS.205.CC should have declared in the consultation to feel sufficiently free of fatigue to continue their duty beyond the

established maximum FDP defined in **OR.OPS.335.FTL Flight Duty Period (FDP)** and **CS FTL.1.135 Maximum daily Flight Duty Period (FDP)**.

**Reason:** The ER laid down in 7.f. of Annex IV to BR 216/2008 establishes a personal responsibility to all crew members: 7.f. No crew member must allow their task achievement/decision making to deteriorate to the extent that flight safety is endangered because of the effects of fatigue, taking into account, *inter alia*, fatigue accumulation, sleep deprivation, number of sectors flown, night duties or time zone changes. Rest periods must provide sufficient time to enable crew members to overcome the effects of the previous duties and to be well rested by the start of the following flight duty period.

comment

4085

comment by: Tyrolean Airways

Reference is made to CS FTL.1.135 (d) - this doesn't exist (typo?)

comment

4095

comment by: Juergen Hauk

EASA NPA 2009-02c - **CS FTL.1.160**  
**Unforeseen circumstances in actual flight operations – discretion by the pilot in command**

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

- (1) The maximum basic daily FDP which results after applying CS FTL.1.135 **(b) and (c)** may not be increased by more than **two hours** unless the flight crew has been **augmented**, in which case the maximum flight duty period may be increased by not more than **3 hours**an>
- (2) The maximum basic daily FDP which results after applying CS FTL.1.135 **(b), (c) and (d)** may not be increased by more than **one hour** unless the flight crew has been **augmented**, in which case the maximum flight duty period may be increased by not more than **2 hours**an>

!! If you have a look at the referenced paragraph "CS FTL.1.135", you will only find (a), (b) and (c); there is no (d). Please check the referenced paragraphs

comment

4096

comment by: Juergen Hauk

EASA NPA 2009-02c - **CS FTL.1.160**  
**Unforeseen circumstances in actual flight operations – discretion by the pilot in command**

(a) The conditions for the modification of the limits on flight duty, duty and rest periods by the pilot in command in the case of unforeseen circumstances in actual flight operations, and after the reporting time, should comply with the following:

- (4) In the event of such circumstances, the **rest period** following the FDP **may be reduced** but never below the minimum rest period defined in CS FTL.1.155 (b).

Note: The minimum rest period as defined in CS FTL.1.155(b) is: "... **at least as long as the preceding duty period, or 10 hours, whichever is the greater ...**"

This paragraph combined with

EASA NPA 2009-02c - **CS FTL.1.155 - Minimum Rest Period**

(a) ... The minimum rest period provided before undertaking a flight duty period starting at **home base** is at least as long as the preceding duty period, or **12 h**, whichever is the greater.

results in the fact, that a reduction of the rest time down to the basic minimum acc. to CS FTL.1.160(a)(4) may only apply to flights to the home base.

So, for a better overview, it might be an idea to cancel the subparagraph CS FTL.1.160(a)(4) and to add its text to subparagraph CS FTL.1.155(a).

In that case, CS FTL.1.160 would apply only to increase the max basic daily FDP, not any longer to reduce any rest period.

**HOWEVER**, I was wondering why the required rest time is longer at the home base, and I guess it is because of the distance between the home base airport and the home of each crew member, which might not be close to the airport.

Therefore I do have another proposal: Take away completely the possibilities for commanders to reduce the rest time and therefore change the requirement for the Min Rest Period as follows:

EASA NPA 2009-02c - **CS FTL.1.155 - Minimum Rest Period**

(a) ... The minimum rest period provided before undertaking a flight duty period starting at home base is at least as long as the preceding duty period, or 12 h, whichever is the greater. The period might be reduced to the minimum as defined in (b), if the operator provides facilities for rest (hotel).

(b) ...

This would be of interest at least for charter and taxi service.

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comment

3826

comment by: *IACA International Air Carrier Association*

General comments

EASA seems to have taken an approach to downgrade the hard-time limits of Subpart Q of EU-OPS into Certification Specifications. The hard-time limits of Subpart Q provided for a minimum level of harmonisation at EU level and should remain part of the Implementing Rule. This is essential to ensure a level playing field within the EU market. Moreover, the EU Legislator clearly spelled out in the Basic Regulation not to change EU-OPS Subpart Q which was only implemented on 16<sup>th</sup> July 2008.

The EASA proposal to remove limits from hard law to CSs is intended to provide for flexibility to suit different kinds of operations. But, until EASA confirmed themselves as an independent safety regulator, IACA prefers to maintain the technical content of EU-OPS in the Implementing Rule. The need for any rulemaking activity shall be identified in a safety case and supported by a correct regulatory impact assessment; and not be biased and/or influenced by social considerations.

comment

3951

comment by: *Novair/Nordic Safety Analysis Group*

**2009-07-31**  
**Kjäll**

**Novair/Nordic Safety Analysis Group, Hans**

**Comments on NPA 2009-02c**

**V. DR AFT DECISI ON AMC A ND GM TO PART – ORG ANISATION REQUIREMENTS****(PARTOR)****Acceptable Means of Compliance (AMC) and Guidance material (GM) to PartOR****Safety analysis in the NPA regulations**

These comments of the NPA gives support for improvements of the text where risk analysis is required and may be reflected in the regulation text and in advisory chapters.

The main principle should be indicated in the text in order to direct the analysis resources into *relevant* areas. The safety management system should use a *risk matrix* indicating the normal risk distribution using an empirical way of specifying relevant items and give them a risk value based on the probability for having a fatal accident per hour and year. The probability distribution of those items should be based on the present empirical probability for the European aviation for having a fatal accident, i.e.  $1,0 \times 10^{-7}$  per hour and year. The total sum of the risks for all specified items should be given the specified probability of  $1,0 \times 10^{-7}$ . That means that all normal operation risks should be expressed by the risk values thus derived in such a risk matrix.

The risk assessment process should then focus of *significant changes* in the operational profile and maintenance, which means that all empirical received reports within the quality system must be analyzed and fed into the risk matrix. The changes in risk values as a result of changed environment should be derived by a group of experts within the company with experience of the operations and maintenance area as well as analysis. Also economical and tactical factors may be defined in the matrix and significant changes may reflect risk impacts.

The regulations should reflect the *methodology and the risk targets* used more specifically. The risk target for an operator can for example be defined as the latest 3-5 years mean value of the European aviation risk levels or better for the type of operation concerned.

It is *essential* that risk analysis resources are spent in areas where there are *expected changes in risk and not just formally analyzed*.

Areas where there should be special attention are changes in route structure, i.e. airspace, additional destination aerodromes and alternate aerodromes. Facilities and environment matters which may have an impact should be evaluated and prioritized for such changes.

The regulations do not mention *security* specifically in these chapters, but should be added in the regulation text and also stressing, that security items should be defined in the item risk matrix for the operation. It should furthermore be expressively said that *security audits* should be performed and consequently risk analysis should be performed for every new aerodrome and airspace segment added in the route structure. The risk analysis should be prioritized for routes overflying or being a destination in countries with known low security or safety level. Such security risk analysis should also include risk judgments derived from the *political situation* in the country and the general risk for terror attacks directed to civil aviation or other ware fare. In the security risk analysis it is also important to estimate the risk of *military interference* of different type to civil aviation, which may be a result from active combat or training activities.

As a result of the prioritized analysis, compensating actions have to be performed in significant areas shown by the analysis, which fits in the present NPA of regulations for directing the company's organization of their SMS.

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comment 1790 comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

completely overboarded rules for balloons,  
make the rules proportional to the scale and scope and risk of the operation".

comment 3185 comment by: *DGAC*

Rename section I of Draft decision AMC&GM to OR.OPS to read "General requirements" in lieu of "Operator requirements", to align its title with the title of section I of Draft Opinion Part OR

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section I - AMC  
OR.OPS.100.GEN(b) Operator responsibilities**

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comment 882 comment by: *AEA*

**Relevant Text:**

2. This does not imply the need for licensed flight dispatchers or a full flight watch system

**Comment:**

AEA strongly support this statement which reflects the European system for operational control / EU-OPS

**Proposal:**

Strongly support this statement

comment 1623 comment by: *TAP Portugal*

**Relevant Text:**

2. This does not imply the need for licensed flight dispatchers or a full flight watch system

**Comment:**

AEA strongly support this statement which reflects the European system for operational control / EU-OPS

**Proposal:**

Strongly support this statement

comment 2136 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

2. This does not imply the need for licensed flight dispatchers or a full flight watch system

**Comment:**

AUSTRIAN strongly support this statement which reflects the European system for operational control / EU-OPS

**Proposal:**

Strongly support this statement

comment

2425

comment by: *KLM***Relevant Text:**

2. This does not imply the need for licensed flight dispatchers or a full flight watch system

**Comment:**

AEA strongly support this statement which reflects the European system for operational control / EU-OPS

**Proposal:**

Strongly support this statement

comment

2616

comment by: *Deutsche Lufthansa AG***Relevant Text:**

2. This does not imply the need for licensed flight dispatchers or a full flight watch system

**Comment:**

We support this statement which reflects the European system for operational control / EU-OPS

**Proposal:**

Keep this statement.

comment

2791

comment by: *European Federation of Airline Dispatcher's Associations*

Attachments [#36](#) [#37](#)

The European Federation of Airline Dispatcher's Associations proposes the following changes as attached.

comment

2980

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

2. This does not imply the need for licensed flight dispatchers or a full flight watch system

**Comment:**

AEA strongly support this statement which reflects the European system for operational control / EU-OPS

**Proposal:**

Strongly support this statement

comment 3071 comment by: *Virgin Atlantic Airways*

**Comment:**

There should be only one definition of cabin crew which should be fully in line with Subpart O of EU-OPS (EU-OPS 1.988)

**Proposal:**

Add to the generic part a definition of cabin crew to read as 'Cabin Crew Member means any crew member, other than a flight or technical crew member, who performs in the interests of safety of passengers duties assigned to him/her by the operator or the commander in the cabin of an aircraft.'

comment 4056 comment by: *Ingo Pucks*

The definition of the content, processes, tasks and involvement of operational control is neglecting the current work environment, resources and methods available, and by that not aimed at maximizing the effect a well educated, equipped and motivated work force could have on flight operation. This section lacks a description of advantages coming from flight ops support in the way the FAR 121 generates it.

It is proposed to amend it as follows:

"The operations manual shall include the means and methods and the processes, by which during the initialization, planning, continuing, termination, diversion or accident of a flight operational control is exercised.

The operations manual shall contain resources and information available for conducting safe and efficient flight operation.

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OR.OPS.100.GEN(b) Operator responsibilities**

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comment 272 comment by: *ECA - European Cockpit Association*

Comment on GM OR.OPS.100.GEN(b)2: Transfer to AMC.

Justification:

ICAO doc 7192 shall be the reference for training of flight operations Officers.

comment 2793 comment by: *European Federation of Airline Dispatcher's Associations*

Attachment [#38](#)

The European Federation of Airline Dispatcher's Associations proposes the following changes as attached.

comment 2974 comment by: *Gregor Rozina*

The operator should take action to change a schedule or crewing ~~arrangements~~ where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

Replace: arrangements, the latest

Reason: The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct

schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

comment

3357

comment by: *Ryanair***Comment**

Operators have invested heavily in developing effective training programmes for Operations Control Personnel.

**Proposal**

".....training for these personnel should be based on relevant parts of ICAO Doc 7192 D 3 *and/or operational experience.*

comment

3387

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)***Comment**

There is a new requirement for risk management, What is its relationship with SMS ?

comment

4069

comment by: *Ingo Pucks*

1 - see comments made in AMC OR.OPS.100.GEN(b)

2- Neglecting the positive impact of licenced dispatch personnel would be like asking for no licences needed for flight crews. hence it is proposed here to define the necessity of licensed flight dispatch personnel. It is of utmost importance the topic flight dispatch licensing is made a EU-wide initiative. Furthermore a flight watch system (the right terminus would be ASD - aircraft situational display) including a MET and ATC overlay can increase the safety and efficiency of every operator's flight operation. It is strongly suggested to include a requirement for operators to conduct operational control also through such tools. Accidents like Hapag Llyod in Vienna, varous Crossair flights, AFR 447 and alike show the necessity of including and connecting information available on the ground and on board the aircraft, and that is best done through a comprehensive ASD.

3 - this is not only important for FOO but all personnel is safety critical areas of ground and flight operations, especially flight dispacth, ops control and mass & balance. a requirment for a detailed training and recurrent scheme shall be included in the operations manual.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section I - GM  
OR.OPS.100.GEN(d) Operator responsibilities**

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comment

273

comment by: *ECA - European Cockpit Association*

Comment on GM OR.OPS.100.GEN(d): Transfer to AMC, and attach to OR.GEN.200 (a) Management system.

**Justification:**

Most of this material is more than just guidance, and its scope goes far

beyond the sole operators.

comment 775 comment by: *claire.amos*

**SOP**

Future SOP changes require a-f

comment 891 comment by: *AEA*

**Relevant Text:**

"When applying to the competent authority for alternative means of compliance including a SOP, the risk assessment should be enclosed to document the development process."

**Comment:**

This guidance material is too prescriptive and outlines one possible approach for SOPs. In many aspects this guidance material would not be practical, it should differentiate between small and large changes. Most of the changes performed are of small scale, the proposed provision is too cumbersome for small changes.

Also the location of this guidance material should therefore be reconsidered e.g. it should be withdrawn from this NPA e.g. not be linked as guidance material for compliance with a specific rule.

**Proposal:**

Delete the guidance material and consider publication as information paper without linking it to a specific rule and differentiating between small and large changes.

comment 1031 comment by: *Austro Control GmbH*

Point 3:

An ICAO conforming definition is suggested for:

e. *Hazard* Condition, object or activity with the potential of causing injuries to personnel, damage to equipment or structures, loss of material or reduction of ability to perform a prescribed function.

i. *Risk* The likelihood of injury to personnel, damage to equipment or structures, loss of material or reduction of ability to perform a prescribed function, measured in terms of probability and severity.

Justification:

globally used definitions facilitate a global understanding.

comment 1389 comment by: *SCCA/ head of health and safety*

comment 1401 comment by: *UK CAA*

**Page No:** 36 – 49

**Paragraph No:** GM OR.OPS.100.GEN(d)

**Comment:** The intent of this paragraph is not clear. It should constitute guidance on how an operator may comply with:

OR.OPS.100.GEN(d)

The operator shall establish procedures and instructions for the safe operation of each aircraft type, containing ground staff and crew member duties for all types of operation on the ground and in flight. These procedures shall not require crew members to perform any activities during critical phases of flight other than those required for the safe operation of the aircraft.

However, GM OR.OPS.100.GEN(d) deals only with "SOP" in the context of a very complex framework of hazard and risk assessment. SOP, as normally understood, is the set of procedures to be used by flight crew in the operation of the aircraft, and is only a subset of the global procedures required by OR.OPS.100.GEN(d). Furthermore, the specific and detailed hazard and risk assessment framework is inappropriate here. Section 2 – Management of NPA 2008-22c sets out the general requirements for Safety Management Systems (SMS) for organisations. There appear to be conflicts between GM OR.OPS.100.GEN(d) and AMCs 1 & 2 to OR.GEN 200(a)(3). This GM should refer as necessary to the AMC material in giving guidance on the full range of procedures and instructions for safe operation.

**Justification:** Removal of apparent inconsistencies between the regulation, AMC and this guidance material.

comment

1624

comment by: *TAP Portugal*

**Relevant Text:**

"When applying to the competent authority for alternative means of compliance including a SOP, the risk assessment should be enclosed to document the development process."

**Comment:**

This guidance material is too prescriptive and outlines one possible approach for SOPs. In many aspects this guidance material would not be practical, it should differentiate between small and large changes. Most of the changes performed are of small scale, the proposed provision is too cumbersome for small changes.

Also the location of this guidance material should therefore be reconsidered e.g. it should be withdrawn from this NPA e.g. not be linked as guidance material for compliance with a specific rule.

**Proposal:**

Delete the guidance material and consider publication as information paper without linking it to a specific rule and differentiating between small and large changes.

comment

1902

comment by: *Walter Gessky*

1. **GM OR.OPS.100.GEN (d)**

5.2.3. Industry standard/best practice

If an industry best practice exists for a particular type of operation, its applicability and suitability should be evaluated by the operator. This evaluation could provide valuable input to the SOP and risk assessment.

Some industry best practices (code of practices/COP) are developed specifically to function as basis for SOPs and should have associated hazard lists and proposals for treatment of relevant safety risks. Operators developing SOPs based on such industry standard/best practice should still perform their own risk assessment to ensure the COP is suitable and customised to their own operation. **The competent authority has to be informed, before an industry standard will be used, to decide if the industry standard would be an Acceptable Means of Compliance to the Implementing Rules following AR.GEN**

**Comment:**

Whenever industry standards are referenced in the GM, than it shall be clear that either the competent authority has to verify that this standard is acceptable to show compliance with the rule or the Agency has to verify compliance with the rule following an Art 52 rulemaking process.

comment

2137

comment by: *AUSTRIAN Airlines***Relevant Text:**

"When applying to the competent authority for alternative means of compliance including a SOP, the risk assessment should be enclosed to document the development process."

**Comment:**

This guidance material is too prescriptive and outlines one possible approach for SOPs. In many aspects this guidance material would not be practical, it should differentiate between small and large changes. Most of the changes performed are of small scale, the proposed provision is too cumbersome for small changes.

Also the location of this guidance material should therefore be reconsidered e.g. it should be withdrawn from this NPA e.g. not be linked as guidance material for compliance with a specific rule.

**Proposal:**

Delete the guidance material and consider publication as information paper without linking it to a specific rule and differentiating between small and large changes.

comment

2323

comment by: *Bristow Helicopters*

Does this risk assessment apply to all procedures currently in the company Operations Manuals, or only to new procedures as they are added? If it is the former then the burden of work for all operators as we approach 2012 will be tremendous.

comment

2426

comment by: *KLM***Relevant Text:**

"When applying to the competent authority for alternative means of compliance including a SOP, the risk assessment should be enclosed to document the development process."

**Comment:**

This is guidance material is too prescriptive and outlines one possible approach for SOPs. In many aspects this guidance material would not be practical, it should differentiate between small and large changes. Most of the changes performed are of small scale, the proposed provision is too cumbersome for small changes.

Also the location of this guidance material should therefore be reconsidered e.g. it should withdrawn from this NPA e.g. not be linked as guidance material for compliance with a specific rule.

**Proposal:**

Delete the guidance material and consider publication as information paper without linking it to a specific rule and differentiating between small and large changes.

comment

2617

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

"When applying to the competent authority for alternative means of compliance including a SOP, the risk assessment should be enclosed to document the development process."

**Comment:**

This is guidance material is too prescriptive and outlines one possible approach for SOPs. In many aspects this guidance material would not be practical, it should differentiate between small and large changes. Most of the changes performed are of small scale, the proposed provision is too cumbersome for small changes.

Also the location of this guidance material should therefore be reconsidered e.g. it should withdrawn from this NPA e.g. not be linked as guidance material for compliance with a specific rule.

**Proposal:**

Delete the guidance material and consider publication as information paper without linking it to a specific rule and differentiating between small and large changes.

comment

2687

comment by: *Tim Glasspool*

Does this risk assessment process apply to all procedures currently in the company Operations Manuals, or only to new procedures as they are added? If it is the former then the burden of work for all operators as we approach 2012 will be tremendous.

comment

2981

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

"When applying to the competent authority for alternative means of compliance including a SOP, the risk assessment should be enclosed to document the development process."

**Comment:**

This is guidance material is too prescriptive and outlines one possible approach for SOPs. In many aspects this guidance material would not be practical, it should differentiate between small and large changes. Most of the changes

performed are of small scale, the proposed provision is too cumbersome for small changes.  
Also the location of this guidance material should therefore be reconsidered e.g. it should be withdrawn from this NPA e.g. not be linked as guidance material for compliance with a specific rule.

**Proposal:**

Delete the guidance material and consider publication as information paper without linking it to a specific rule and differentiating between small and large changes.

comment

3190

comment by: DGAC

**3(a)(e)** : "Hazard" is used extensively in other parts of Part OR (see also NPA 2008-22c). The definition should be moved in GEN

comment

3191

comment by: DGAC

**5.3:** the statement concerning minor and more significant risks conflicts with safety being under direct accountability of senior management under OR.GEN.200(a)(3)

comment

3390

comment by: FNAM (*Fédération Nationale de l'Aviation Marchande*)**Comment**

Relevant text :6.2.1. Does this apply for aeroplanes with a maximum configuration with less than 20 seats ? Moreover, does it apply to small organizations ?

**Proposal**

This paragraph must be clarified to let operators understand precisely their requirements.

**Justification**

Obvious

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OR.OPS.100.GEN(f) Operator responsibilities**

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comment

471

comment by: CAA-NL

**Comment CAA-NL:**

Reference to "awareness training" is inappropriate.

**Justification:**

Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities".

**Proposed Text (if applicable):**

"2 Training programmes should be commensurate with the responsibilities of personnel.

- comment 583 comment by: *International Air Transport Association*  
 AMC OR.OPS.100.GEN(f) 2.  
 The sentence is grammatically wrong and also refers to "awareness" training, which while awareness is widely used in the industry is not defined and is not used in any regulatory text. In addition it is sufficient to simply state that training must be commensurate with responsibility.  
 Proposed revision as follows:  
 "2. Training programmes should be commensurate with the responsibilities of personnel."
- comment 595 comment by: *Luftfahrt-Bundesamt*  
 Adequate Training requirements are already defined in the ICAO Technical Instructions.
- comment 884 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*  
**Concern Detail:**  
 Reference to "awareness training" is inappropriate.  
**Comment:**  
 Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities".  
**Proposal:**  
 "2 Training programmes should be commensurate with the responsibilities of personnel. ~~and only address awareness training for those operators not approved in accordance with OPS.SPA.DG"~~"
- comment 1402 comment by: *UK CAA*  
**Page No:** 49  
**Paragraph No:** AMC OR.OPS.100.GEN(f) 2  
**Comment:** Reference to "awareness training" is inappropriate.  
**Justification:** Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities".  
**Proposed Text (if applicable):**  
 "2 Training programmes should be commensurate with the responsibilities of personnel. ~~and only address awareness training for those operators not approved in accordance with OPS.SPA.DG"~~"

comment 1436 comment by: *Pietro Barbagallo ENAC*

Comment: Reference to "awareness training" is inappropriate.  
 Justification: Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities".  
 Proposed text: Amend AMC OR.OPS.100.GEN (f) 2 as follows: "Training programmes should be commensurate with the responsibilities of personnel."

comment 1447 comment by: *Pietro Barbagallo ENAC*

AMC OR.OPS.100.GEN (f) 2  
 Comment: Reference to "awareness training" is inappropriate.  
 Justification: Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities".  
 Proposal: Amend AMC OR.OPS.100.GEN (f) 2 as follows: "Training programmes should be commensurate with the responsibilities of personnel. ~~and only address awareness training for those operators not approved in accordance with OPS.SPA.DG"~~"

comment 3568 comment by: *Finnish CAA*

Paragraph No: AMC OR.OPS.100.GEN(f) 2  
 Comment: Reference to "awareness training" is inappropriate.  
 Justification: Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities".  
 Proposed Text (if applicable):  
 "2 Training programmes should be commensurate with the responsibilities of personnel. ~~and only address awareness training for those operators not approved in accordance with OPS.SPA.DG"~~"

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC1  
 OR.OPS.015.MLR Operations Manual**

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comment 274 comment by: *ECA - European Cockpit Association*

Comment on AMC1 OR.OPS.015.MLR 4: change as follows:  
 4 ~~Crew members~~ **All relevant staff** should be provided with a personal copy of the relevant sections of the OM pertaining to their duties. ~~The crew members~~ **All relevant staff** should be responsible to keep their copies up to date.  
 Justification:  
 Safety and OM compliance is not only a matter of crew members. All relevant

staff shall be kept aware and updated on the contents of the OM.

comment

349

comment by: CAA-NL

Comment regarding:

2. The OM may vary in detail in accordance with the complexity of the operation and of the type and number of aircraft operated

Proposal CAA-NL:

Add:

Refer at least to the AMC's containing the OM content requirements. Also add the role of the local competent authority during approval process.

Reason:

Unclear till what detail the OM may be varied.

Comment regarding:

6 The OM or parts thereof may be presented in any form, including electronic form. In all cases, the accessibility, usability and reliability should be assured.

Proposal CAA-NL:

Add:

Reference to Electronic Flight Bag requirements is required.

Reason:

New rules should encompass developments on electronic flight bags.

Comment regarding:

10 The OM may be compiled in accordance with an industry code of practice.

Proposal CAA-NL:

Add:

Text should read that operations manuals may contain procedures based on industry codes.

Reason:

The text can be read that the entire ops manual can be replaced by 'industry codes'. This is not desirable.

comment

351

comment by: CAA-NL

Layout proposal CAA-NL:

AMC's 1, 2 and 4 should be combined into one (1) AMC.

Develop one (1) AMC based on AMC5 and mention at individual requirement if alleviations are allowed for operations with non-complex aircraft together with deviations/additional information required for COM operations.

A second AMC can be developed for non-com/complex aircraft however these OM requirements should have the same structure as mentioned in AMC5 only on lower level of detail.

Reason:

Current set-up with the AMC 1 till 6 is very unclear.

Text is sometimes unnecessarily duplicated; requirements may be combined

and differently ordered.

comment 745 comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.

Justification: see LBA - General Comment, reasons 1 and 2.

comment 773 comment by: *claire.amos*

**Point 8**  
Should include the actual revision process i.e. bi-annual update and distribution process

comment 774 comment by: *claire.amos*

**Point 4**  
This is the AMC - the regulation only states access to the information

comment 894 comment by: *AEA*

**Relevant Text:**  
10 The OM may be compiled in accordance with an industry code of practice.

**Comment:**  
Definition of industry code of practice is missing.  
What are the implications of this?  
According to this we understand the current OMs will be grandfathered, is this correct?

**Proposal:**  
Clarification about what industry code of practice is.  
Clarification about grandfathering of operations manuals.

comment 897 comment by: *AEA*

**Relevant Text:**  
Crew members should be provided with a personal copy of the relevant sections of the OM pertaining to their duties. The crew members should be responsible to keep their copies up to date.

**Comment:**  
Most operators have moved to electronic documentation. This requirement should be satisfied either by soft or hard copy (electronic files/paper copy)

**Proposal:**  
Modified wording to ensure that electronic and/or paper copies satisfies this requirement

comment 1374 comment by: *Pietro Barbagallo ENAC*

Comment: AMC1 OR.OPS.015.MLR (3) This item should be moved at requirements level.

Justification: The circumstance that less conservative data than an approved data (e.g. AFM) cannot be used is a matter of fact. The initial meaning of the EU OPS requirement was to give responsibility to the operator in preparing his own Operations Manual in compliance with TCH documents.

comment

1403

comment by: UK CAA

**Page No:** 50

**Paragraph No:** AMC1 OR.OPS.015.MLR

**Comment:** AMC 1 OR.OPS.015.MLR paragraphs 5 and 9 provide that the operating manual may be issued in separate parts and that if it contains all relevant information, the AFM need not be carried. But the rule contains no requirement concerning whether it may or may not be issued in parts or whether it should be carried. Indeed, if there is a rule that it should be carried, an AMC may not provide that it need not be carried. Not carrying an AFM cannot conceivably be a means of complying with a rule that it must be carried.

comment

1625

comment by: TAP Portugal

**Relevant Text:**

10 The OM may be compiled in accordance with an industry code of practice.

**Comment:**

Definition of industry code of practice is missing.

What are the implications of this?

According to this we understand the current OMs will be grandfathered, is this correct?

**Proposal:**

Clarification about what industry code of practice is.

Clarification about grandfathering of operations manuals.

comment

1859

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF

**AMC OR.OPS.015.FTL(I) Operator responsibilities**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

**Replace:** arrangements, the latest

**Reason:** The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

comment

2138

comment by: *AUSTRIAN Airlines***Relevant Text:**

10 The OM may be compiled in accordance with an industry code of practice.

**Comment:**

Definition of industry code of practice is missing.

What are the implications of this?

According to this we understand the current OMs will be grandfathered, is this correct?

**Proposal:**

Clarification about what industry code of practice is.

Clarification about grandfathering of operations manuals.

comment

2139

comment by: *AUSTRIAN Airlines***Relevant Text:**

Crew members should be provided with a personal copy of the relevant sections of the OM pertaining to their duties. The crew members should be responsible to keep their copies up to date.

**Comment:**

Most operators have moved to electronic documentation. This requirement should be satisfied either by soft or hard copy (electronic files/paper copy)

**Proposal:**

Modified wording to ensure that electronic and/or paper copies satisfies this requirement

comment

2427

comment by: *KLM***Relevant Text:**

10 The OM may be compiled in accordance with an industry code of practice.

**Comment:**

Definition of industry code of practice is missing.

What are the implications of this?

According to this we understand the current OMs will be grandfathered, is this correct?

**Proposal:**

Clarification about what industry code of practice is.

Clarification about grandfathering of operations manuals.

comment

2428

comment by: *KLM***Relevant Text:**

Crew members should be provided with a personal copy of the relevant sections of the OM pertaining to their duties. The crew members should be responsible to keep their copies up to date.

**Comment:**

Most operators have moved to electronic documentation. This requirement

should be satisfied either by soft or hard copy (electronic files/paper copy)

**Proposal:**

Modified wording to ensure that electronic and/or paper copies satisfies this requirement

comment

2618

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

10 The OM may be compiled in accordance with an industry code of practice.

**Comment:**

Definition of industry code of practice is missing.

What are the implications of this?

According to this we understand the current OMs will be grandfathered, is this correct?

**Proposal:**

Clarification about what industry code of practice is.

Clarification about grandfathering of operations manuals.

comment

2619

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

Crew members should be provided with a personal copy of the relevant sections of the OM pertaining to their duties. The crew members should be responsible to keep their copies up to date.

**Comment:**

Most operators have moved to electronic documentation. This requirement should be satisfied either by soft or hard copy (electronic files/paper copy)

**Proposal:**

Modified wording to ensure that electronic and/or paper copies satisfies this requirement

comment

2982

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

10 The OM may be compiled in accordance with an industry code of practice.

**Comment:**

Definition of industry code of practice is missing.

What are the implications of this?

According to this we understand the current OMs will be grandfathered, is this correct?

**Proposal:**

Clarification about what industry code of practice is.

Clarification about grandfathering of operations manuals.

comment

2983

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Crew members should be provided with a personal copy of the relevant sections of the OM pertaining to their duties. The crew members should be responsible to keep their copies up to date.

**Comment:**

Most operators have moved to electronic documentation. This requirement should be satisfied either by soft or hard copy (electronic files/paper copy)

**Proposal:**

Modified wording to ensure that electronic and/or paper copies satisfies this requirement

comment

3367

comment by: *Ryanair*

Paragraph 4 - Reference to a "personal copy" could be misinterpreted as hard copy

**Proposal**

Crew members should be provided with ~~a personal copy~~ *access to a copy* of the relevant

comment

3516

comment by: *Great Circle Services AG*

- GM to OR.GEN.200(a)(6) and AMC1 OR.OPS.015.MLR: The principle of not duplicating information in several manuals is positive. However, if information is not to be duplicated, access to the location of the information needs to be granted. This implies the need for a publication system, which allows navigation across various manuals. The Operations Manual (OM) may be an integral part of the Organisation Manual required in OR.GEN.200(a)(6).

comment

3517

comment by: *Great Circle Services AG*

- AMC1 OR.OPS.015.MLR(6): It is positive that no additional permission as in EU-OPS 1.1040(m) for the publication in other than printed paper is required.

comment

3715

comment by: *AIR FRANCE*

**Relevant Text:**

10 The OM may be compiled in accordance with an industry code of practice.

**Comment:**

Clarification are needed to know what is understood by industry code of practice

**Proposal:**

Clarification about what industry code of practice is.

comment

3716

comment by: *AIR FRANCE*

Relevant Text:

(5) .....Any material received form an external source should be given its

status by a statement in the OM.

Comment:

Difficult to understand what does exactly mean the requirement.  
We fail to see what the value of this requirement is.

Proposal:

Delete this requirement.

comment

4079

comment by: *Ingo Pucks*

The OM forms an integral part of the operator's procedures and process description. It is suggested that an EU-wide standard is defined which includes the relevant parts and sections in relation to safety and efficiency. Therefore the OM should be quality controlled through a committee consisting of personnel of all relevant departments involved in flight operation, flight operation support and ground operation.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC2** p. 50  
**OR.OPS.015.MLR Operations Manual**

comment

275

comment by: *ECA - European Cockpit Association*

Comment on AMC2 OR.OPS.015.MLR: Add the following requirement:

**The so- referred applicable material should be made adequately available.**

Justification:

All relevant staff members shall have access to the whole applicable contents of the OM.

comment

350

comment by: *CAA-NL*

Comment regarding:

5. ....(final line).....Any material received **form** an external source should be given its status by a statement in the OM.

Proposal CAA-NL:

Add:

'form' must be 'from'

comment

467

comment by: *David COURT*

2 Should also include commercial operations with non-complex aircraft (eg balloons). Why does it say "non-complex motor-powered" and not simply "non-complex"

comment

746

comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-

OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.  
Justification: see LBA - General Comment, reasons 1 and 2.

comment 892

comment by: AEA

**Relevant Text:**

3 For the route and aerodrome part of the OM, material produced by the operator may be supplemented with or substituted by applicable Route Guide material produced by a specialised company.

**Comment:** editorial**Proposal:** produced by a **specialist** company

comment 898

comment by: AEA

**Relevant Text:**

(5) .....Any material received form an external source should be given its status by a statement in the OM.

**Comment:**

We fail to see what the value of this requirement is.

Reference could come from the regulations to be compliant with, what would be the purpose of reference to regulations in the operations manual?

**Proposal:**

Delete this requirement as it brings no added value.

comment 1628

comment by: TAP Portugal

**Relevant Text:**

3 For the route and aerodrome part of the OM, material produced by the operator may be supplemented with or substituted by applicable Route Guide material produced by a specialised company.

**Comment:** editorial**Proposal:** produced by a **specialist** company

comment 1629

comment by: TAP Portugal

**Relevant Text:**

(5) .....Any material received form an external source should be given its status by a statement in the OM.

**Comment:**

We fail to see what the value of this requirement is.

Reference could come from the regulations to be compliant with, what would be the purpose of reference to regulations in the operations manual?

**Proposal:**

Delete this requirement as it brings no added value.

comment 2140 comment by: *AUSTRIAN Airlines*

**Relevant Text:**  
 3 For the route and aerodrome part of the OM, material produced by the operator may be supplemented with or substituted by applicable Route Guide material produced by a specialised company.

**Comment:** editorial

**Proposal:** produced by a **specialist** company

comment 2141 comment by: *AUSTRIAN Airlines*

**Relevant Text:**  
 (5) .....Any material received form an external source should be given its status by a statement in the OM.

**Comment:**  
 We fail to see what the value of this requirement is.  
 Reference could come from the regulations to be compliant with, what would be the purpose of reference to regulations in the operations manual?

**Proposal:**  
 Delete this requirement as it brings no added value.

comment 2429 comment by: *KLM*

**Relevant Text:**  
 3 For the route and aerodrome part of the OM, material produced by the operator may be supplemented with or substituted by applicable Route Guide material produced by a specialised company.

**Comment:** editorial

**Proposal:** produced by a **specialist** company

comment 2430 comment by: *KLM*

**Relevant Text:**  
 (5) .....Any material received form an external source should be given its status by a statement in the OM.

**Comment:**  
 We fail to see what the value of this requirement is.  
 Reference could come from the regulations to be compliant with, what would be the purpose of reference to regulations in the operations manual?

**Proposal:**  
 Delete this requirement as it brings no added value.

comment 2621 comment by: *Deutsche Lufthansa AG*

**Relevant Text:**  
 3 For the route and aerodrome part of the OM, material produced by the

operator may be supplemented with or substituted by applicable Route Guide material produced by a specialised company.

**Comment:** editorial

**Proposal:** produced by a **specialist** company

comment

2622

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

(5) .....Any material received form an external source should be given its status by a statement in the OM.

**Comment:**

We fail to see what the value of this requirement is.

Reference could come from the regulations to be compliant with, what would be the purpose of reference to regulations in the operations manual?

**Proposal:**

Delete this requirement as it brings no added value.

comment

2984

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

3 For the route and aerodrome part of the OM, material produced by the operator may be supplemented with or substituted by applicable Route Guide material produced by a specialised company.

**Comment:** editorial

**Proposal:** produced by a **specialist** company

comment

2985

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

(5) .....Any material received form an external source should be given its status by a statement in the OM.

**Comment:**

We fail to see what the value of this requirement is.

Reference could come from the regulations to be compliant with, what would be the purpose of reference to regulations in the operations manual?

**Proposal:**

Delete this requirement as it brings no added value.

comment

3074

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

3 For the route and aerodrome part of the OM, material produced by the operator may be supplemented with or substituted by applicable Route Guide material produced by a **specialised** company.

**Comment:**

Editorial

**Proposal:**

3 For the route and aerodrome part of the OM, material produced by the operator may be supplemented with or substituted by applicable Route Guide material produced by a **specialist** company.

comment

3076

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

(5) .....Any material received form an external source should be given its status by a statement in the OM.

**Comment:**

We fail to see what the value of this requirement is. Reference could come from the regulations to be compliant with, what would be the purpose of reference to regulations in the operations manual?

**Proposal:**

Delete this requirement as it brings no added value.

comment

3518

comment by: *Great Circle Services AG*

- AMC2 OR.OPS.015.MLR(1) and (4): It is positive that parts of the OM can be substituted by applicable parts of the AFM, or, where such documents exist, by an AOM produced by the manufacturer of aircraft. Referencing form the OM into other material is especially for smaller operators a good solution to avoid lengthy, costly and error-prone copy-paste solutions.

comment

4080

comment by: *Ingo Pucks*

5 - here it is important to make operators responsible to quality control any information from a third aptry, especially when deliverd electronically or which is software or data. The Quality Manual shall include procedures of how 3rd party information is dealt with, and controlled when included in the OM.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC3  
OR.OPS.015.MLR Operations Manual**

p. 50-51

comment

747

comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.

Justification: see LBA - General Comment, reasons 1 and 2.

comment

2741

comment by: *CAA CZ*

The content of the Operations Manual for non-commercial operations with CMPA should be described in more details (compare AMC 3 OR.OPS.015.MLR for the flights all over the world with large aircraft with PAX on board while non-commercially and AMC 6 OR.OPS.015.MLR for aerial works flight

conducted notably within the territory of EU Member State)

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC4  
OR.OPS.015.MLR Operations Manual**

p. 51

comment 748 comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.  
Justification: see LBA - General Comment, reasons 1 and 2.

comment 899 comment by: *AEA*

**Relevant Text:**

4 Part D: Training, comprising all training instructions for personnel.

**Comment:** editorial/clarification of scope

**Proposal:** 4 Part D: Training, comprising all training instructions for operational personnel.

comment 901 comment by: *AEA*

**Relevant Text:**

entire paragraph

**Comment:**

It is our understanding that the description of the contents is only used to list all the contents required but does not imply any given structure.

**Proposal:**

Clarification that this only mandates that contents are addressed but not in a given structure

comment 1630 comment by: *TAP Portugal*

**Relevant Text:**

4 Part D: Training, comprising all training instructions for personnel.

**Comment:** editorial/clarification of scope

**Proposal:** 4 Part D: Training, comprising all training instructions for operational personnel.

comment 1631 comment by: *TAP Portugal*

**Relevant Text:**

entire paragraph

**Comment:**

It is our understanding that the description of the contents is only used to list

all the contents required but does not imply any given structure.

**Proposal:**

Clarification that this only mandates that contents are addressed but not in a given structure

comment

2142

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

4 Part D: Training, comprising all training instructions for personnel.

**Comment:** editorial/clarification of scope

**Proposal:** 4 Part D: Training, comprising all training instructions for operational personnel.

comment

2143

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

entire paragraph

**Comment:**

It is our understanding that the description of the contents is only used to list all the contents required but does not imply any given structure.

**Proposal:**

Clarification that this only mandates that contents are addressed but not in a given structure

comment

2431

comment by: *KLM*

**Relevant Text:**

4 Part D: Training, comprising all training instructions for personnel.

**Comment:** editorial/clarification of scope

**Proposal:** 4 Part D: Training, comprising all training instructions for operational personnel.

comment

2432

comment by: *KLM*

**Relevant Text:**

entire paragraph

**Comment:**

It is our understanding that the description of the contents is only used to list all the contents required but does not imply any given structure.

**Proposal:**

Clarification that this only mandates that contents are addressed but not in a given structure

comment

2623

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

4 Part D: Training, comprising all training instructions for personnel.

**Comment:** editorial/clarification of scope

**Proposal:** 4 Part D: Training, comprising all training instructions for operational personnel.

comment

2624

comment by: *Deutsche Lufthansa AG***Relevant Text:**

entire paragraph

**Comment:**

It is our understanding that the description of the contents is only used to list all the contents required but does not imply any given structure.

**Proposal:**

Clarification that this only mandates that contents are addressed but not in a given structure

comment

2986

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

4 Part D: Training, comprising all training instructions for personnel.

**Comment:** editorial/clarification of scope

**Proposal:** 4 Part D: Training, comprising all training instructions for operational personnel.

comment

2987

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

entire paragraph

**Comment:**

It is our understanding that the description of the contents is only used to list all the contents required but does not imply any given structure.

**Proposal:**

Clarification that this only mandates that contents are addressed but not in a given structure

comment

3717

comment by: *AIR FRANCE***Relevant Text:**

4 Part D: Training, comprising all training instructions for personnel.

**Comment:** editorial/clarification of scope

**Proposal:** 4 Part D: Training, comprising all training instructions for operational personnel.

comment 3718

comment by: AIR FRANCE

**Relevant Text:**

entire paragraph

**Comment:**

It is our understanding that the description of the contents is only used to list all the contents required but does not imply any given structure.

**Proposal:**

Clarification that this only mandates that contents are addressed but not in a given structure

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC5  
OR.OPS.015.MLR Operations Manual**

p. 51-63

comment 130

comment by: Rega / Swiss Air-Ambulance

**AMC5 OR.OPS.015.MLR Operations Manual****Scope:**

Missing a sub-chapter covering the topic "Pilot relieving the co-pilot".

**Text to be added/altered:**

Sub-chapter unter chapter 5.2 Flight crew:

5.2.1 Pilot-in-command

5.2.2 Pilot relieving the pilot-in command

5.2.3 Co-pilot

**5.2.4 Pilot relieving the co-pilot**

**5.2.5** Pilot unde supervision

**5.2.6** System panel operator

**5.2.7** Operation on more than one type or variant

**Proof:**

Under AMC OR.OPS.015.FC (d) it is explained, by whom the co-pilot may be relieved.

**Background:**

Swiss Air Ambulance is a subsidiary of Rega, Switzerland's national air-rescue organisation, which was founded in 1952. Swiss Air Ambulance can draw on decades of experience and the expertise of professional teams to provide competent, comprehensive assistance in the event of medical emergencies all over the world operating besides 13 dedicated HEMS helicopters 3 dedicated Bombardier CL-604 "Challenger" ambulance jets with a range of 3'500 NM. Its services range from providing medical advice to repatriating patients to/from Switzerland or any other point of the world. Swiss air-ambulance is a private, non-profit organisation, which operates in accordance with the guiding principles of the Red Cross. It comes to the aid of people in distress, without respect of their nationality, religious convections or social status. Swiss air-ambulance operates under the Air Operator Certificate CH-AOC-No.1015 issued by the Federal Office of Civil Aviation Switzerland (FOCA) and is compliant with EU-OPS. Please visit [www.rega.ch](http://www.rega.ch)

comment

152

comment by: EHOc

**Paragraph A General/Basic**Paragraph 2.5

Editorial: The element on the accident prevention and flight safety programme has been removed but the numbers have not been adjusted.

The numbering might include 2.4 with 'not used' to preserve the original OM numbering scheme.

Paragraph 8.4

Although the change of language from AWO to LVO is understood in the context of Approvals, most operators will still be conducting AWO (not LVO) and therefore this section might be renamed to AWO with the original text.

"8.4 AWO. A description of the operational procedures associated with All Weather Operations."

Paragraph 11.4

The text that provides for reporting Dangerous Goods incidents has been removed from the original wording: the wording might better be:

"Procedures for verbal notification to air traffic service units of incidents involving ACAS RAs, bird hazards, **dangerous goods** and hazardous conditions;"

**Paragraph B Aircraft Operating Matters - Type related**Paragraph 4.1.2

In the original helicopter text, there was an insert to the text that acknowledge that, for some operations, other operational data might have to be supplied - e.g. Information provided for PC2 or procedures used for offshore operations. A suggest text might be appended:

"For helicopters, if performance Data, as required for the appropriate performance class, is not available in the approved HFM, then other data acceptable to the Authority should be included."

comment

277

comment by: ECA - European Cockpit Association

Comment on AMC5 OR.OPS.015.MLR A 7.2: Clarification required : Exceedances of flight and duty times and/or reduction of rest periods is not supported at IR level.

Justification:

An IR level provision is required to support both this provision and the provisions of CS.FTL.1.160.

comment

279

comment by: ECA - European Cockpit Association

Comment on AMC5 OR.OPS.015.MLR A 8.3.18.: change as follows:

8.3.18 ~~For aeroplane~~ **For equipped aircraft** operations, policy on the use of Autopilot and Autothrottle.

Justification:

Autopilot and Autothrottle (or equivalent thrust management automation devices) are also fitted on helicopters, powered-lift and airships.

comment

280

comment by: *ECA - European Cockpit Association*

Comment on AMC5 OR.OPS.015.MLR A 11: Transfer material under point A 3 Management System.

Justification:

These provisions are directly under the scope of MS !

comment

281

comment by: *ECA - European Cockpit Association*

Comment on AMC5 OR.OPS.015.MLR D 2.1: Add references to Part FCL.

Justification:

As OPS recurrent training is combined with FCL, syllabi must reflect it.

comment

282

comment by: *ECA - European Cockpit Association*

Comment on AMC5 OR.OPS.015.MLR D 2.2: Add references to Part CC.

Justification:

As OPS recurrent training is combined with CC, syllabi must reflect it.

comment

322

comment by: *ECA - European Cockpit Association*

Paragraph 10 on Security, page 58, should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n°316). If, however it is decided to keep this section within OPS, the following changes are needed:

CONTENTS – COMMERCIAL AIR TRANSPORT **AND O THER C OMMERCIAL OPERATIONS**

[...]

10 SECURITY

10.1 Security instructions and guidance of a non-confidential nature which should include the competent authority and responsibilities of operations personnel. Policies and procedures for handling and reporting **any action that could constitute unlawful interference that jeopardise the security of civil aviation** ~~crime on board such as unlawful interference, sabotage, bomb threats, and hijacking should also be included.~~

10.2 A description of preventative security measures and training. However, it should be considered that some parts of the security instructions and guidance may be kept confidential.

Justification:  
To keep consistency with Regulation 300/2008

comment

352

comment by: CAA-NL

Comment regarding:

Part A

1.2 Nominated post holders. The name of each nominated post holder responsible for flight operations, crew training and ground operations, as prescribed in OR.OPS.210.AOC. A description of their function and responsibilities should be included.

Proposal CAA-NL:

Add:

Add the nominated postholder Maintenance.

Reason:

Nominated postholder Maintenance is not mentioned.

Comment regarding:

Part A

2.1.3 Control, analysis and storage of the required records.

Proposal CAA-NL:

Add:

Clarify the meaning "Records"

Option: All documents relevant to the day-to-day operation such as, but not limited to .....shall be stored with a minimum of 3 months after day of initiation.

Reason:

EU OPS Appendix 1 to OPS 1.1045 mentions: "...flight documents, additional informations and data."

Appendix 1 to OPS 1.1065 also mentions: "Information (OFP, ATL, M&B ed), Reports"

Comment regarding:

Part A section 2

Proposal CAA-NL:

Add:

Add 2.4. Accident Prevention and Flight Safety Program.

Reason:

Artikel 2.4 is missing; EU-OPS and JAR-OPS 3 incorporates a requirement sect. 2.4 "Accident Prevention and Flight Safety Program".

Comment regarding:

Part A

8.2.2.(k). Multiple occupancy of helicopter seats.

Proposal CAA-NL:

Add:

Change helicopter into aircraft.

Reason:

Why specifically helicopter; this also applies for aeroplanes.

Comment regarding:

Part B section arrangement

Proposal CAA-NL:

Add:

Has it been decided to structure Part B according JAR-OPS 3?

Reason:

Current AMC5 Part B has been arranged according JAR-OPS 3 and not EU-OPS.

Comment regarding:

Part C

k. For aeroplane operations, aerodrome categorisation for flight crew competence qualification and

Proposal CAA-NL:

Add:

Extend the requirement with helicopter operations

Reason:

Also helicopters make use of specific operating sites/areas which requires competences

Comment regarding:

<page 63 bottom>

If there are sections which, because of the nature of the operation, do not apply, it is recommended that operators maintain the numbering system described above and insert 'Not applicable' or 'Intentionally blank' where appropriate.

Proposal CAA-NL:

Add:

Issue guidelines to be used by the authorities when empty sections in OM's are acceptable.

Reason:

This statement may introduce differences in OM approvals and interpretations between the various member states. What is acceptable?

comment

472

comment by: CAA-NL

**Comment Regarding 9.1.2**

**Comment CAA-NL:**

**The text** does not address the specific requirements for the loading of dry ice and radioactive material.

**Justification:** Part 7;4.2 of the Technical Instructions requires an operations or other suitable manual to detail a) the maximum quantity of dry ice permitted in each compartment; and b) if radioactive material is to be carried, instructions on the loading of such dangerous goods based on the requirements of 7;2.9 of the Technical Instructions.

**Proposed Text**

"9.1.2 Guidance on the requirements for acceptance, labelling, handling, stowage and segregation of dangerous goods, including the maximum quantity of dry ice permitted in each compartment and, if radioactive material is to be carried, instructions on loading based on the requirements of Part 7;2.9 of the Technical Instructions "

comment 584

comment by: *International Air Transport Association*

AMC5 OR.OPS.015.MLR 9.1.2

The text in this subparagraph refers to "labelling". Labelling is the shipper's responsibility, the operator is only able to validate that the labels applied to packages containing dangerous goods conform with the Technical Instructions based on what has been described on the dangerous goods transport document.

Proposed amendment, delete the word "labelling" for the text.

In addition the broad provisions described in 9.1 omit a number of key requirements that are set out in part 7;4.2 in the ICAO Technical Instructions, which includes information such as the details and locations of cargo compartments; the maximum limit of dry ice that may be loaded in any cargo compartment; and instructions on loading of radioactive materials to ensure sufficient separation from persons on board the aircraft.

Proposed amendment. Insert a new subparagraph 9.1.7 as follows:

"9.1.7 Details of the location and numbering system of cargo compartments together with:

- a. the maximum quantity of dry ice permitted in each compartment; and
- b. if radioactive material is to be carried, instructions on the loading of such dangerous goods based on the requirements of part 7;2.9 of the ICAO Technical Instructions."

comment 585

comment by: *International Air Transport Association*

AMC5 OR.OPS.015.MLR 9.1.5

This subparagraph only refers to the duties of personnel in accordance with OPS.SPA.DG, however an operator not holding an approval to carry dangerous goods may still be in the situation of identifying dangerous goods in cargo where the goods were undeclared by the shipper or misdeclared as general cargo. In addition there are many items of dangerous goods that are permitted in passenger baggage. For this reason there should also be duties of personnel in accordance with OPS.GEN.030.

comment 596

comment by: *Luftfahrt-Bundesamt*

No 9.1.2 should be concretized by adding the following:

9.1.2. Guidance on the requirements for acceptance, labelling, handling, stowage and segregation of dangerous goods; **including the maximum quantity of dry ice permitted in each compartment and, if radioactive**

**material is to be carried, instructions on loading based on the requirements of the current version of the ICAO Technical Instructions**

- comment 749 comment by: *Luftfahrt-Bundesamt*
- The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.  
Justification: see LBA - General Comment, reasons 1 and 2.
- comment 769 comment by: *claire.amos*
- Checks need to be made against previous compliance checklist
- comment 770 comment by: *claire.amos*
- B Aircraft Operating Matters - Type related**  
Compliance of checklist should be re-evaluated
- comment 771 comment by: *claire.amos*
- 8.7, 8.7.3 Delivery Flights**  
Should be renamed Check Flights
- comment 772 comment by: *claire.amos*
- General review against previous compliance list will be required
- comment 889 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*
- Concern Detail:**  
The text does not address the specific requirements for the loading of dry ice and radioactive material.
- Comment:**  
Part 7;4.2 of the Technical Instructions requires an operations or other suitable manual to detail a) the maximum quantity of dry ice permitted in each compartment; and b) if radioactive material is to be carried, instructions on the loading of such dangerous goods based on the requirements of 7;2.9 of the Technical Instructions.
- Proposal:**  
"9.1.2 Guidance on the requirements for acceptance, labelling, handling, stowage and segregation of dangerous goods, including the maximum quantity of dry ice permitted in each compartment and, if radioactive material is to be carried, instructions on loading based on the requirements of Part 7;2.9 of the Technical Instructions"
- comment 908 comment by: *AEA*
- Relevant Text:**  
OM compiled in accordance with Annex III of Regulation 3922/91 are

considered to be acceptable.

**Comment:**

We support very much statements, our concern is that grandfathering rights should be addressed at the IR level

**Proposal:**

Include this statement at the IR level

comment 1189 comment by: ECA - European Cockpit Association

Comment on AMC5 OR.OPS.015.MLR 7.2.: Clarification required:

Exceedances of flight and duty times and/or reduction of rest periods is not supported at IR level.

**Justification:**

An IR level provision is required to support both this provision and the provisions of CS.FTL.1.160

comment 1375 comment by: Pietro Barbagallo ENAC

Comment: This item should be moved at requirements level.

Justification: 1) To ensure compliance to Appendix 2 of Annex 6 part I; 2) To promote standardization and so minimize problems of familiarisation of new crew member coming from other EU operators.

comment 1404 comment by: UK CAA

**Page No:** 55

**Paragraph No:** AMC5 OR.OPS.015.MLR paragraph 8.2.1

**Comment:** There should be reference to the need for fuel quality checks for CAT. Insert new sub-paragraph 8.2.1 d

**Justification:** An anomaly exists between the AMC6 OR.OPS.015.MLR COMMERCIAL OPERATIONS OTHER THAN COMMERCIAL AIR TRANSPORT and AMC5 OR.OPS.015.MLR COMMERCIAL AIR TRANSPORT. The need for quality checks on fuel is specified in paragraph 8.2.3 on page 64 but not at paragraph 8.2.1 on page 55.

**Proposed Text (if applicable):**

8.2.1 Fuelling procedures. A description of fuelling procedures, including:

- a. Safety precautions during refuelling and defuelling including rotors running, engine(s) running and the prop-brakes are on and when an APU is in operation;
- b. Refuelling and defuelling when passengers are embarking, on board or disembarking; ~~and~~
- c. Precautions to be taken to avoid mixing fuels; *and*
- d. *Fuel quality checks.*

comment 1406 comment by: UK CAA

**Page No:** 57

**Paragraph No:** 8.3.14 Flight Procedures

**Comment:** The most significant and most likely causes of incapacitation of cabin crew should be the focus of this section.

**Justification:** Causes of incapacitation of cabin crew are likely to be very different from that of flight crew.

**Proposed Text (if applicable)**

Amend to: "Examples of the **most likely** types of incapacitation **of cabin crew** and the means for recognising them should be included".

comment

1408

comment by: UK CAA

**Page No:** 58

**Paragraph No:** AMC5 OR.OPS.015.MLR 9.1.2

**Comment:** The text does not address the specific requirements for the loading of dry ice and radioactive material.

**Justification:** Part 7;4.2 of the Technical Instructions requires an operations or other suitable manual to detail a) the maximum quantity of dry ice permitted in each compartment; and b) if radioactive material is to be carried, instructions on the loading of such dangerous goods based on the requirements of 7;2.9 of the Technical Instructions.

**Proposed Text (if applicable):**

"9.1.2 Guidance on the requirements for acceptance, labelling, handling, stowage and segregation of dangerous goods, including the maximum quantity of dry ice permitted in each compartment and, if radioactive material is to be carried, instructions on loading based on the requirements of Part 7;2.9 of the Technical Instructions "

comment

1410

comment by: UK CAA

**Page No:** 63

**Paragraph No:** AMC5 OR.OPS.015.MLR - D 2.2

**Comment:** Text states Training Manual must contain relevant items from Part OPS and OR.OPS.

**Justification:** Part CC should also be included, particularly as operators often conduct all aspects of cabin crew training.

**Proposed Text (if applicable):** For cabin crew. All relevant items prescribed in Part-OPS, OR.OPS.CC and Part-CC.

comment

1440

comment by: Pietro Barbagallo ENAC

**Comment:** The text does not address the specific requirements for the loading

of dry ice and radioactive material.

**Justification:** Part 7;4.2 of the ICAO Technical Instructions requires an operations or other suitable manual to detail a) the maximum quantity of dry ice permitted in each compartment; and b) if radioactive material is to be carried, instructions on the loading of such dangerous goods based on the requirements of 7;2.9 of the Technical Instructions.

**Proposed text :** Amend AMC5 OR.OPS.015.MLR 9.1.2 as follows: "9.1.2 Guidance on the requirements for acceptance, labelling, handling, stowage and segregation of dangerous goods, including the maximum quantity of dry ice permitted in each compartment and, if radioactive material is to be carried, instructions on loading based on the requirements of Part 7;2.9 of the Technical Instructions;"

comment

1633

comment by: *TAP Portugal***Relevant Text:**

OM compiled in accordance with Annex III of Regulation 3922/91 are considered to be acceptable.

**Comment:**

We support very much statements, our concern is that grandfathering rights should be addressed at the IR level

**Proposal:**

Include this statement at the IR level

comment

1795

comment by: *ETF*

Comment to point 11:

The details on reporting that was described in OPS 1.420 were useful. While this is contained in a separate Directive, operators and crew are asking for details. ETF poses a general question to EASA and to the Commission how the interface with directives and other regulation on safety and Regulation 216/2008 should be handled.

comment

2144

comment by: *AUSTRIAN Airlines***Relevant Text:**

OM compiled in accordance with Annex III of Regulation 3922/91 are considered to be acceptable.

**Comment:**

We support very much statements, our concern is that grandfathering rights should be addressed at the IR level

**Proposal:**

Include this statement at the IR level

comment

2433

comment by: *KLM***Relevant Text:**

OM compiled in accordance with Annex III of Regulation 3922/91 are

considered to be acceptable.

**Comment:**

We support very much statements, our concern is that grandfathering rights should be addressed at the IR level

**Proposal:**

Include this statement at the IR level

comment

2625

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

OM compiled in accordance with Annex III of Regulation 3922/91 are considered to be acceptable.

**Comment:**

We support very much statements, our concern is that grandfathering rights should be addressed at the IR level

**Proposal:**

Include this statement at the IR level

comment

2988

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

OM compiled in accordance with Annex III of Regulation 3922/91 are considered to be acceptable.

**Comment:**

We support very much statements, our concern is that grandfathering rights should be addressed at the IR level

**Proposal:**

Include this statement at the IR level

comment

3077

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

OM compiled in accordance with Annex III of Regulation 3922/91 are considered to be acceptable.

**Comment:**

We strongly support this statement but we believe grandfather rights should be addressed at the IR level.

**Proposal:**

Include this statement at the IR level

comment

3102

comment by: *ERA*

**European Regions Airline Association Comment**

ERA members have been in the forefront of applying pressure on EASA to develop without delay rulemaking action on aircraft ground de-icing / anti-icing

operations. EASA consider this and other areas of this NPA provide provisions that may meet the concerns related to any lack of current individual rulemaking activity in this area. The ERA Directorate would disagree and stress that EASA as a matter of urgency should be looking at rulemaking action.

There is a need for explicit statements on the establishment of procedures and methods to be considered for incorporation.

comment 3196

comment by: DGAC

The last sentence of AMC 5 states (page 63) that "OM compiled in accordance with Annex III of Regulation 3922/91 are considered to be acceptable". This kind of grandfathering provision can not be addressed through (and hidden in) an AMC but shall be in the Cover regulation.

comment 3198

comment by: DGAC

**(A.8.7) Non revenue flights.**

The provisions on "procedures and limitations for non revenue flights" should be further developed, taking into account the recommendation made to EASA by the BEA in its preliminary report following the accident involving the Airbus A320-232 registered D-AXLA operated by XL Airways Germany that occurred on 11 of November 2008 off the coast of Canet Plage (France):

"that EASA detail in the EU-OPS the various types of non-revenue flights that an operator from a EU state is authorised to perform, that EASA require that non-revenue flights be described precisely in the approved parts of the operations manual, this description specifically determining their preparation, programme and operational framework as well as the qualifications and training of crews, and that as a temporary measure, EASA require that such flights be subject to an authorisation, or a declaration by the operator, on a case-by-case basis."

(<http://www.bea.aero/docspa/2008/d-la081127ea/pdf/d-la081127ea.pdf>)

comment 3230

comment by: Irish Aviation Authority

**Comment:**

4.1.2 - Text is missing re when performance data is not available in HFM as per App 1 to JAR.OPS 3.1045. 4

**Justification:**

Clarification required for helicopter performance

**Proposed text:**

If performance data, as required for the appropriate performance class, is not available in the approved HFM, then other data acceptable to the NAA must be included

comment 3232

comment by: Irish Aviation Authority

**Comment:**

1.2 Nominated PH & 2.4 -

1.2 No ref to post holder for monitoring compliance

2.4 is missing

Justification:  
Clarification

Proposed text:  
1.2 Include the aforementioned PH ref

2.4 amend para numbering

comment

3377

comment by: *Ryanair*

Nothing in this AMC should require an existing, approved operator to redesign their approved operations manual

10 - Security - this section requires review and amendment that it does not conflict with the Requirements of Regulation (EC) 300/2008.

Security programme - Regulation (EC) 300/2008 already requires Operators to develop and implement a security programme. Any requirement to include elements of this programme in the operations manual must be removed. Otherwise operators may be subjected to duplicated information and approval processes.

#### **Comment - 7.1**

The EASA proposal to require a Fatigue Risk Management System (FRMS) for all types of operations is impractical and will lead to mandated consultation with all 'interested parties' even for the most minor of changes to schedules operated approved FTL Schemes.

The concept of FRMS is a draft ICAO proposal. It is intended for Ultra Long Range Flights that go beyond the limits of current and proposed EU FTL Requirements. The implementation of FRMS should only be considered in the context of URL Ops.

#### **Proposal**

7.1 - Flight and Duty Time Limitations and Rest Requirements. The scheme developed by the operator in accordance with OR.OPS.230.FTL or OR.OPS.330.FTL and, for Ultra Long Range Operations, a description of the corresponding Fatigue Risk Management System (FRMS).

comment

3392

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

#### **Comment**

What does precisely imply EASA defined management system ? Compliance monitoring + safety management + risk management?

#### **Proposal**

The definition should be more precise to evaluate consequences.

#### **Justification**

Obvious

- comment 3393 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*  
**Comment**  
 8.3.15 e and g are new, the explanation should be more explicit.
- comment 3395 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*  
**Comment**  
 For "normal procedures", "abnormal and/or emergency procedures" and "flight planning" there is a change in numbering between 2, 3, 5 and 7. What is the point for this? It doesn't justify any safety increment.  
**Proposal**  
 Numbering should remain the same between EU-OPS and EASA legislation.  
**Justification**  
 This would create administrative delays without any real justification.
- comment 3397 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*  
**Comment**  
 Relevant text: 8.3.13. What does vacant crew seats use refer to ?  
**Proposal**  
 This paragraph must be clarified to let operators understand precisely the requirements.
- comment 3399 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*  
**Comment**  
 Relevant text : C ROUTE/ROLE/AREA AND AERODROME/OPERATING SITE INSTRUCTIONS AND INFORMATION. Does this correspond to Jeppesen documents on board of aeroplane ? Why are speaking about integrating airport data into operations manual ? Moreover, what is FATO data ?  
**Proposal**  
 This paragraph must be clarified to let operators understand precisely the requirements.
- comment 3400 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*  
**Comment**  
 "OM compiled in accordance with Annex III of Regulation 3922/91 are considered to be acceptable" mean that current Operations manual can remain in their actual status.  
**Proposal**  
 There must be more informations about grandfathering rights or transition measures.
- comment 3515 comment by: *Great Circle Services AG*  
 This comment addresses issues related to the Operations Manual (AMC5 OR.OPS.015.MLR).

The comment was discussed during the EASA/EBAA Workshop July 9, 2009 in Cologne. The workshop participants, both from EASA and EBAA received the comments favourably.

Operations Manual: Comment to NPA 2009-02c

This comment addresses issues related to the Operations Manual (OR.OPS.015.MLR). The comment was discussed during the EASA/EBAA Workshop July 9, 2009 in Cologne. The workshop participants, both from EASA and EBAA received the comments favourably.

1. Positive changes in NPA 2009-02 compared to EU-OPS:

- OR.OPS.015.MLR(h): The operator now is permitted to implement minor amendments to the Operations Manual in accordance with a specified amendment procedure. This is positive and avoids minor amendments to be submitted on a case by case basis to the Authority.
- GM to OR.GEN.200(a)(6) and AMC1 OR.OPS.015.MLR: The principle of not duplicating information in several manuals is positive. However, if information is not to be duplicated, access to the location of the information needs to be granted. This implies the need for a publication system, which allows navigation across various manuals. The Operations Manual (OM) may be an integral part of the Organisation Manual required in OR.GEN.200(a)(6).
- Structure of OR.OPS: Based on the explanations of Eric Sivel during the EASA/EBAA workshop in Cologne July 9, 2009, it became clear that the structure and chapter system is intended to support the use of data bases. This is a good starting point to integrate the regulations into an automated compliance management by operators.
- AMC1 OR.OPS.015.MLR(6): It is positive that no additional permission as in EU-OPS 1.1040(m) for the publication in other than printed paper is required.
- AMC2 OR.OPS.015.MLR(1) and (4): It is positive that parts of the OM can be substituted by applicable parts of the AFM, or, where such documents exist, by an AOM produced by the manufacturer of aircraft. Referencing from the OM into other material is especially for smaller operators a good solution to avoid lengthy, costly and error-prone copy-paste solutions.

2. Positive changes in NPA 2009-02:

- Terminology and abbreviations: Both the Operations Manual and the Organisation Manual tend to be abbreviated as OM. Suggestion to replace the term "Organisation Manual" by "Management Manual".
- Integration with IOSA standards not reflected: OR.GEN and OR.OPS require the establishment of manuals. Since many operators follow also IOSA standards, it would be a simplification if the interaction and commonality of the manuals required by both systems would be reflected in an EASA AMC/GM.
- AMC5 OR.OPS.015.MLR A 5.5: The title in A 5.5 should be harmonised with D 2.4. Suggestion to delete the words "other than flight crew" in the brackets.
- AMC5 OR.OPS.015.MLR: No change to EU-OPS 1.1045 and its Appendix 1 to OPS 1.1045. This AMC5 proposes a Table of Contents of Operations Manual. The design and the content of this Table of Contents of an Operations Manual was (under EUOPS) and is (under Part-OPS) not user-friendly and leads to confusion. It mixes various headings of an OM with instructions on information which needs to be inserted. Experience shows that an OM based on App.1 to OPS 1.1045 does not allow to present the information in an organic way by

following the work flow. The main headings do not create problems, but the substructure within the various sections of each Part needs to be aligned with the actual process flow. The proposed AMC5 is confusing, as it was in App. 1 to EU-OPS 1.1045: The table suggests to be a Table of Contents, while it is in fact a list of items to be covered

mixed with instructions on information to be provided. This sub-structure of this table creates a double bind and does not provide a user-friendly layout for a manual structure, since the order/sequence of items to be covered does not correspond human factors. the main chapter structure though is acceptable. Thus the function of AMC5 OR.OPS.015.MLR is not clear: Authorities will use the table of contents as a strict guideline for the structure and content of an Operations Manual. We propose to allow a second option, Option 2.

Making use of modern technology requires format options for Operations Manual

OR.OPS.015.MLR

AMC5 OR.OPS.015.MLR

Replace the Point/AMC/GM on Structure and Content of an Operations Manual by a Point indicating the elements which need to be covered in an OM, with the main chapter titles only.

Do not include into the IRs a binding detailed format of the OM.

Recommend to include in NPA 2009-02 OR.OPS.015.MLR Operations Manual a provision for more than one option in the AMC/GM for the structure of the OM.

Provide as an alternative, at least two options for the provision of documentation for the acceptable means of compliance. Both options must be ICAO Annex 6 compliant.

Option 1: OM format as proposed in the current NPA (AMC5 OR.OPS.015.MLR Operations Manual). Option 1 limits modern economical data processing methods.

Option 2: OM in electronic documentation capable format

Option 2 not only complies with Annex 6, but also with current ATA requirements. Option 2 would assure compliance to a wide number of aviation standards (regulatory and industry), promising considerable synergy gains.

Options 2 would serve the certification requirements for EFBs, for continued airworthiness etc. and enable a cross-functional multi-media approach to provision of information for users, approvers, developers in manufacturing, certification/supervision, operations and training.

Data-integrity and data-security can only be achieved by using the latest standards in communication/information technology.

Within the main titles of the OM-Structure, a more efficient substructure will enhance the ability of any stakeholder to maximise the efficiency of the manual production process. This will reduce costs for the maintenance and exchange/distribution of OM-data/information.

Option 2 enhances the ability to take into account human factors and to make the documentation more user-friendly. User-friendliness needs to be further

studied and defined taking into consideration results from human factors studies and other appropriate scientific tools.

The OM has interfaces to other documentation, which are integrated by using Option 2 (e.g. OM-CAME, OM-(stand-alone)MEL, OM-Security Manual). The complete operator documentation set would benefit greatly from adopting the same (semi-)automated approach.

For EASA and the NAAs there would be minimal differences to the documentation submitted to support an Air Operators compliance as the changes are mainly in the production system.

What would occur is a faster updating of information for new applications and quicker approval of existing operator data.

In light of the current business climate an option for Air Operators to be compliant while using a methodology that offers cost savings and efficiency improvements can only be a great benefit.

As a result of EASA introducing Option 2 into AMC5 OR.OPS.015.MLR (or wherever appropriate in this context), operators would have a much more responsive ability to deliver essential safety information to any stakeholder requiring it. Option 2 also makes easier the electronic communication for the notification of changes to users. Supervision by the operator over OM changes will also be simplified and demand less resources.

The approach recommended with Option 2 is already in force and used extensively for the Initial and Continuing Instructions for Continued Airworthiness and is regarded as industry best practice by Original Equipment Manufacturers and widely used across the airworthiness/manufacturing community, including for the establishment of Flight Manuals and Maintenance Manuals. Operations joining forces with the maintenance community would enhance the interoperability of data and reduce data conflicts and the likelihood of misunderstandings and errors.

Option 2 allows a better use of very expensive information. We know that the maintenance/manufacturing community estimates the cost for one page of technical documentation to be between EUR 500 and EUR 1000 a page. Option 2 allows for easy access to this very valuable information and reduces the life cycle cost for maintaining the documents up-to-date and compliant.

#### **Advantages of Option 2:**

The major advantages would be:

- improved safety,
- possibility to use the advantages of the data base friendly structure of NPA 2009-02 to create (semi-)automated software tools for the establishment and management of manuals
- substantially lower costs for both the industry and certifying/supervising authorities,
- faster updating of essential information and
- lower resource demand and faster deployment of compliance information for users and approval authorities.

Additional advantages of Option 2 would be:

- a more responsive compliance system,
- compliance with an international recognized standard for aviation documentation,
- full integrations with air vehicle and equipment manufacturers' data

production methods,

- information in formats (xml, sgml, pdf, others) for electronic flight bag/e-book readers,
- deployment of current, accurate information to the user at point of use (flight operations, departure planning, training (including recurrent training) and maintenance)
- additional opportunities for air operators to better maintain and sustain a viable business and
- reduced logistics for carrying the required documents on flights.

Disadvantages/Tasks of Option 2:

The single most important step to overcome is for EASA and the approving air operators authority to accept a slightly different format for the proof of compliance documentation.

These variations would be minor but essential. This needs to be implemented in the new regulations.

Contact: michael.grueninger@gcs-safety.com

comment

3569

comment by: *Finnish CAA*

Paragraph No: AMC5 OR.OPS.015.MLR 9.1.2

Comment: The text does not address the specific requirements for the loading of dry ice and radioactive material.

Justification: Part 7;4.2 of the Technical Instructions requires an operations or other suitable manual to detail a) the maximum quantity of dry ice permitted in each compartment; and b) if radioactive material is to be carried, instructions on the loading of such dangerous goods based on the requirements of 7;2.9 of the Technical Instructions.

Proposed Text (if applicable):

"9.1.2 Guidance on the requirements for acceptance, labelling, handling, stowage and segregation of dangerous goods, including the maximum quantity of dry ice permitted in each compartment and, if radioactive material is to be carried, instructions on loading based on the requirements of Part 7;2.9 of the Technical Instructions "

comment

3719

comment by: *AIR FRANCE*

**Relevant**

OM compiled in accordance with Annex III of Regulation 3922/91 are considered to be acceptable.

Text:

**Comment:**

We support very much statements, our concern is that grandfathering rights should be addressed at the IR level

**Proposal:**

Include this statement at the IR level

comment

3761

comment by: *Ryanair*

Comment ref D 3.3

The requirement to produce procedures to be applied in the event that personnel do not achieve or maintain the required standards **SEPARATE** to those stated in 3.2 is unnecessary and inefficient. Any instructor will tell you that they want is to get all the relevant procedures to a training event in the one place and not in different locations.

Proposal

Rename Section 3.1 as follows: -

3.1 Procedures for Training and Checking including procedures to be applied in the event that personnel do not achieve or maintain the required standards.

comment

4093

comment by: *Asociación Española de Pilotos de Aerostación (AEPA)*

AMC5 OR OPS 015 MLR: Although these indications are accurate typing CAT is not adequate. It would be better Commercial Operations

comment

4098

comment by: *Juergen Hauk*

EASA NPA 2009-02c - **AMC5 OR.OPS.015.MLR - Operations Manual**  
CONTENTS – COMMERCIAL AIR TRANSPORT

The OM should contain the following relevant to the area and type of operation:

...

B AIRCRAFT OPERATING MATTERS – TYPE RELATED

...

4.1 **Performance data** ...

...

h. **Landing field length** (for dry, **wet** and contaminated runway conditions) including the effects of an in-flight failure of a system or device, if it affects the landing distance

...

Comments:

Most aircraft manufactures (Business Aviation) do not present data for the **"actual landing distance" on WET runways!**

**Manufactures should be forced to do so**, already they do present data for actual landing distance on contaminated runways, **and these data should be found in the OM Part B, too.**

For the crew it is important to know the actual landing distance, so they can **determine the actual stop/safety margin** on a given runway! (For example on dry runway, the stop margin for jets on a "standard runway" (ISA conditions, no slope) is at least 66,7%, due to the requirement that the jet can stop within 60% of the available landing distance, assuming no slope and ISA.

On a WET runway, requirements say the available landing distance for jets must be at least 1,917 times as long as the actual landing distance dry(!), which results from the additional factor of 1,15; while the actual landing distance on a WET runway might be much longer than the actual landing distance dry multiplied by 1,15, resulting in a stop/safety margin much less than 66,7%.)

-----  
**Furthermore it is necessary to know the "un-factored" actual landing distance also for a WET runway, if one or more aircraft systems have**

**failed, which would increase the landing distance (e.g. failure to extend flaps, resulting in a higher approach speed and therefore in a longer landing distance).**  
**Now, to enable the crew for a given system failure to apply the applicable factor taken from the abnormal checklist, they must know the "un-factored" actual landing distance; and certainly this applies on a WET runway, too.**

comment

4099

comment by: Juergen Hauk

EASA NPA 2009-02c - **AMC5 OR.OPS.015.MLR - Operations Manual**  
 CONTENTS – COMMERCIAL AIR TRANSPORT

The OM should contain the following relevant to the area and type of operation:

...

B AIRCRAFT OPERATING MATTERS – TYPE RELATED

...

4.1 **Performance data** ...

...

4.1.1. Supplementary data covering flights in **icing conditions**. ...

...

Comments:

Most aircraft manufactures (Business Aviation) of two-engined aircraft do not present data for the higher **fuel flow** with **Cowl & Wing Anti-Ice ON** during **One-Engine-Inop** Operation.

For example, if the data for All-Engine Operation gives an increased fuel flow of 5% per engine for wing & cowl anti-ice ON, we assume that the fuel flow OEI will increase by more than 5%, but how much ...?

**Manufactures should be forced to present also these OEI data, and these data should be found in the OM Part B, too.**

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC6  
 OR.OPS.015.MLR Operations Manual**

p. 64-67

comment

284

comment by: ECA - European Cockpit Association

Comment on AMC6 OR.OPS.015.MLR A 8.3: Add provisions for GPWS/TAWS and TCAS, where equipped.

Justification:

Requirement missing from OPS.

comment

285

comment by: ECA - European Cockpit Association

Comment on AMC6 OR.OPS.015.MLR A 11: Transfer material under point A 3 Management System of AMC5 OR.OPS.015.MLR.

Justification:

These provisions are directly under the scope of MS !

comment

286

comment by: ECA - European Cockpit Association

Comment on AMC6 OR.OPS.015.MLR D 2.1: Add references to Part FCL.

Justification:  
As OPS recurrent training is combined with FCL, syllabi must reflect it.

comment 287 comment by: ECA - European Cockpit Association

Comment on AMC6 OR.OPS.015.MLR D 2.2: Add references to Part CC.

Justification:  
As OPS recurrent training is combined with CC, syllabi must reflect it.

comment 323 comment by: ECA - European Cockpit Association

The paragraph 10 on security, page 65, should be deleted:

**~~10 SECURITY~~**

**~~10.1 Security instructions and guidance of a non-confidential nature which should include the competent authority and responsibilities of operations personnel. Policies and procedures for handling and reporting crime on board such as unlawful interference, sabotage, bomb threats, and hijacking should also be included.~~**

**~~10.2 A description of preventative security measures and training. However, it should be considered that some parts of the security instructions and guidance may be kept confidential.~~**

Justification:  
ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 316). Besides, this paragraph is already present in AMC5 OP.OPS.015.MLR, page 58. Why are there two articles?

comment 473 comment by: CAA-NL

**Comment CAa-NL:**

It is queried whether it is appropriate to refer to "dangerous goods" in this context.

**Justification:** The requirement appears to relate to occupational and not flight safety.

**Proposed Text :**

Delete AMC6 OR.OPS.015.MLR A. 6.2

comment 474 comment by: CAA-NL

**Comment CAA-NL:**

It is queried why an operator should have a policy to "ensure security of hazardous material (chemicals, pesticides, fuel, etc.) in field locations".

**Justification:** It is not clear whether the text relates to the operator's property or to cargo. Assuming it is the former there is no corresponding requirement in the Technical Instructions and it does not relate flight safety. Note also that "hazardous material" is an American term and not used in Europe. If it is intended to relate to cargo the Technical Instructions do

contain recommendations concerning only "high consequence" dangerous goods.

**Proposed Text:**

"9.1.1 The operator's policy on the transport of dangerous goods.

comment 586 comment by: *International Air Transport Association*

AMC6 OR.OPS.015.MLR 9.1.1

The term "hazardous material" in this subparagraph is confusing. Generally "hazardous materials" is a term used only in the United States and is synonymous with the term "dangerous goods". However, the context of the wording appears to suggest that it is the term "hazardous substances" that is intended. If this is the case then this should really be in text dealing with worker and workplace safety in the context of occupational health and safety.

comment 587 comment by: *International Air Transport Association*

AMC6 OR.OPS.015.MLR 9.1.2

As commented in AMC5 OR.OPS.015.MLR 9.1.2 the inclusion of the word "labelling" associated with the operator's responsibilities is incorrect. This word should be deleted from 9.1.2.

comment 751 comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.  
Justification: see LBA - General Comment, reasons 1 and 2.

comment 890 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**Concern Detail:**

It is queried whether it is appropriate to refer to "dangerous goods" in this context.

**Comment:**

The requirement appears to relate to occupational and not flight safety.

**Proposal:**

Delete AMC6 OR.OPS.015.MLR A. 6.2.

comment 895 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**Concern Detail:**

It is queried why an operator should have a policy to "ensure security of hazardous material (chemicals, pesticides, fuel, etc.) in field locations".

**Comment:**

It is not clear whether the text relates to the operator's property or to cargo. Assuming it is the former there is no corresponding requirement in the

Technical Instructions and it does not relate flight safety. Note also that "hazardous material" is an American term and not used in Europe. If it is intended to relate to cargo the Technical Instructions do contain recommendations concerning only "high consequence" dangerous goods.

**Proposal:**

"9.1.1 The operator's policy on the transport of dangerous goods ~~including measures to ensure security of hazardous material (chemicals, pesticides, fuel, etc.) in field locations;~~"

comment

1411

comment by: UK CAA

**Page No:** 64**Paragraph No:** AMC6 OR.OPS.015.MLR A. 6.2**Comment:** It is queried whether it is appropriate to refer to "dangerous goods" in this context.**Justification:** The requirement appears to relate to occupational and not flight safety.**Proposed Text (if applicable):**

Delete AMC6 OR.OPS.015.MLR A. 6.2

comment

1412

comment by: UK CAA

**Page No:** 65**Paragraph No:** AMC6 OR.OPS.015.MLR 9.1.1**Comment:** It is queried why an operator should have a policy to "ensure security of hazardous material (chemicals, pesticides, fuel, etc.) in field locations".**Justification:** It is not clear whether the text relates to the operator's property or to cargo. Assuming it is the former there is no corresponding requirement in the Technical Instructions and it does not relate to flight safety. Note also that "hazardous material" is an American term and not used in Europe. If it is intended to relate to cargo the Technical Instructions do contain recommendations concerning only "high consequence" dangerous goods.**Proposed Text (if applicable):**

"9.1.1 The operator's policy on the transport of dangerous goods ~~including measures to ensure security of hazardous material (chemicals, pesticides, fuel, etc.) in field locations;~~"

comment

3493

comment by: IATA

9.1.1 The operator's policy on the transport of dangerous goods **including measures to ensure security of hazardous material (chemicals, pesticides, fuel, etc.) in field locations**

**Proposal:**

The **marked text** is not part of ICAO TI (ICAO Doc 9284).and should be deleted

comment

3573

comment by: *Finnish CAA*

Paragraph No: AMC6 OR.OPS.015.MLR A. 6.2

Comment: It is queried whether it is appropriate to refer to "dangerous goods" in this context.

Justification: The requirement appears to relate to occupational and not flight safety.

Proposed Text (if applicable):

Delete AMC6 OR.OPS.015.MLR A. 6.2

comment

3577

comment by: *Finnish CAA*

Paragraph No: AMC6 OR.OPS.015.MLR 9.1.1

Comment: It is queried why an operator should have a policy to "ensure security of hazardous material (chemicals, pesticides, fuel, etc.) in field locations".

Justification: It is not clear whether the text relates to the operator's property or to cargo. Assuming it is the former there is no corresponding requirement in the Technical Instructions and it does not relate flight safety. Note also that "hazardous material" is an American term and not used in Europe. If it is intended to relate to cargo the Technical Instructions do contain recommendations concerning only "high consequence" dangerous goods.

Proposed Text (if applicable):

"9.1.1 The operator's policy on the transport of dangerous goods.including measures to ensure security of hazardous material (chemicals, pesticides, fuel, etc.) in field locations;"

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - GM  
OR.OPS.001.MLR(f) Operations Manual**

p. 67

comment

752

comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.

Justification: see LBA - General Comment, reasons 1 and 2.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC  
OR.OPS.015.MLR(g) Operations Manual**

p. 67

comment

164

comment by: *ECA - European Cockpit Association*

Comment on AMC OR.OPS.015.MLR(g): change as follows and transfer to IR:

## AUTHORITY APPROVAL

The operator ~~should~~ **shall** supply the competent authority with intended amendments and revisions **sufficiently** in advance of the effective date, **in order to allow the authority to assess the changes and deliver its approval.** When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval at the competent authority. **The operator must immediately inform the personnel affected by the amendment.**

## Justification:

Even when an amendment has not been authorised, the affected personnel by such amendment, must be informed that such amendment is being implemented for safety reasons and that the operator has sought authorisation by the competent Authority.

Furthermore, it is necessary to leave the authority enough time to assess the proposed changes.

Finally, ECA recommends that this provision should be transferred to IR otherwise operators will not be bound to inform any changes to local authorities in advance.

comment

753

comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.

Justification: see LBA - General Comment, reasons 1 and 2.

comment

909

comment by: *AEA***Relevant Text:**

The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority.

**Comment:**

There should not be a requirement for full approval of the OPS manual. The OM Part-C, which has weekly revisions, should not be approved by the competent Authority, only those major changes but not the smaller changes (i.e. editorials). The OM is anyway under the oversight of the authority, but should not require full approval by the competent authority.

The airlines have in their Ops Manual material not related to the regulation; modification to those parts should not be subject to prior authority approval.

**Proposal:**

Merge AMC OR.OPS.015.MLR(g) Operations Manual - AUTHORITY APPROVAL and AMC OR.OPS.015.MLR(h) Operations Manual- MINOR/MAJOR CHANGES

The resulting text would read as follows:

*The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions **SUBJECT TO AN APPROVAL** are required in the*

interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority

~~MINOR/MAJOR CHANGES REQUIRING APPROVAL~~

~~1-The procedure for minor amendments should be included in the operations manual.~~

~~2-Changes affecting the terms of the certificate as defined in the Operations Specification~~

~~including the following items should be considered as major changes REQUIRING APPROVAL and not be subject to A PRIOR APPROVAL BY THE COMPETENT AUTHORITY the minor amendment procedure:~~

.....

comment

1376

comment by: Pietro Barbagallo ENAC

Comment: This item should be moved at requirements level.

Justification: Any alternative "means of compliance" will be contrary to the notion of approval and can lead to difficulty in the Authority work in running after approval request.

comment

1574 ❖

comment by: The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly

**page 5 OR.OPS.015.MLR(c)**

**Comment:**

**Delete this paragraph.**

Although the wording is copied from JAR-OPS 1.1040(j), the "bindingness" of the IR is different. The operator is responsible for compliance with the regulations, not the competent authority. The inspector, or competent authority, can only flag non-compliances, but has no authority to demand other wording. This is only opening the door for authority interpretation resulting in a non-level playing field

**page 5 OR.OPS.015.MLR (g)(h)**

**page 67 AMC OR.OPS.015.MLH (g) and (h) 1, 2**

**Delete** "minor amendments procedure" entirely.

Matters subject to approval are dealt with, and documented, during the certification process. Requiring the competent authority and its inspectors to approve the OM is counter productive to safety as it will delay the OM and its amendments. Also, it is not in line with the concept of the certificate holder being responsible for compliance.

**Amend** "For air operator certificate holders, the OM and its amendments shall be approved by the competent authority." to "For air operator certificate holders, those parts of the OM and its amendments with are considered major changes, hence subject to prior approval i.a.w. AMC OR.OPS.015.MLR(h)2. shall be approved by the competent authority."

comment

1634

comment by: TAP Portugal

**Relevant Text:**

The operator should supply the competent Authority with intended

amendments and revisions in advance of the effective date. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority.

**Comment:**

There should not be a requirement for full approval of the OPS manual. The OM Part-C, which has weekly revisions, should not be approved by the competent Authority, only those major changes but not the smaller changes (i.e. editorials). The OM is anyway under the oversight of the authority, but should not require full approval by the competent authority.

The airlines have in their Ops Manual material not related to the regulation; modification to those parts should not be subject to prior authority approval.

**Proposal:**

Merge AMC OR.OPS.015.MLR(g) Operations Manual - AUTHORITY APPROVAL and AMC OR.OPS.015.MLR(h) Operations Manual- MINOR/MAJOR CHANGES

The resulting text would read as follows:

*The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions **SUBJECT TO AN APPROVAL** are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority **MINOR/MAJOR CHANGES REQUIRING APPROVAL***

~~1 The procedure for minor amendments should be included in the operations manual.~~

~~2 Changes affecting the terms of the certificate as defined in the Operations Specification~~

~~including the following items should be considered as ~~major~~ changes **REQUIRING APPROVAL** and not be subject to A **PRIOR APPROVAL BY THE COMPETENT AUTHORITY** the minor amendment procedure:~~

.....

comment

1966

comment by: *Walter Gessky*

**1. AMC OR.OPS.015.MLR(g) Operations Manual**

AUTHORITY APPROVAL

The operator should supply the competent authority with intended amendments and revisions

in advance of the effective date. When immediate amendments or revisions are required in the

interest of safety, they may be published and applied immediately, provided that the operator

also applied for approval at the competent authority.

Comment: Request for application shall be transferred to the IR.

comment

2145

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority.

**Comment:**

There should not be a requirement for full approval of the OPS manual. The OM Part-C, which has weekly revisions, should not be approved by the competent Authority, only those major changes but not the smaller changes (i.e. editorials). The OM is anyway under the oversight of the authority, but should not require full approval by the competent authority.

The airlines have in their Ops Manual material not related to the regulation; modification to those parts should not be subject to prior authority approval.

**Proposal:**

Merge AMC OR.OPS.015.MLR(g) Operations Manual - AUTHORITY APPROVAL and AMC OR.OPS.015.MLR(h) Operations Manual- MINOR/MAJOR CHANGES

The resulting text would read as follows:

*The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions **SUBJECT TO AN APPROVAL** are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority **MINOR/MAJOR CHANGES REQUIRING APPROVAL***

~~1 The procedure for minor amendments should be included in the operations manual.~~

~~2 Changes affecting the terms of the certificate as defined in the Operations Specification~~

~~including the following items should be considered as **major changes REQUIRING APPROVAL** and not be subject to A **PRIOR APPROVAL BY THE COMPETENT AUTHORITY** the minor amendment procedure:~~

.....

comment

2434

comment by: KLM

**Relevant Text:**

The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority.

**Comment:**

There should not be a requirement for full approval of the OPS manual. The OM Part-C, which has weekly revisions, should not be approved by the competent Authority, only those major changes but not the smaller changes (i.e. editorials). The OM is anyway under the oversight of the authority, but should not require full approval by the competent authority.

The airlines have in their Ops Manual material not related to the regulation; modification to those parts should not be subject to prior authority approval.

**Proposal:**

Merge AMC OR.OPS.015.MLR(g) Operations Manual - AUTHORITY APPROVAL and AMC OR.OPS.015.MLR(h) Operations Manual- MINOR/MAJOR CHANGES

The resulting text would read as follows:

*The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions **SUBJECT TO AN APPROVAL** are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority **MINOR/MAJOR CHANGES REQUIRING APPROVAL***

~~1 The procedure for minor amendments should be included in the operations manual.~~  
~~2 Changes affecting the terms of the certificate as defined in the Operations Specification including the following items should be considered as ~~major~~ changes **REQUIRING APPROVAL** and not be subject to A **PRIOR APPROVAL BY THE COMPETENT AUTHORITY** the minor amendment procedure:~~

comment

2626

comment by: Deutsche Lufthansa AG

**Relevant Text:**

The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority.

**Comment:**

There should not be a requirement for full approval of the OPS manual. The OM Part-C, which has weekly revisions, should not be approved by the competent Authority, only those major changes but not the smaller changes (i.e. editorials). The OM is anyway under the oversight of the authority, but should not require full approval by the competent authority.

The airlines have in their Ops Manual material not related to the regulation; modification to those parts should not be subject to prior authority approval.

**Proposal:**

Merge AMC OR.OPS.015.MLR(g) Operations Manual - AUTHORITY APPROVAL and AMC OR.OPS.015.MLR(h) Operations Manual- MINOR/MAJOR CHANGES

The resulting text would read as follows:

*The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions **SUBJECT TO AN APPROVAL** are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority **MINOR/MAJOR CHANGES REQUIRING APPROVAL***

~~1 The procedure for minor amendments should be included in the operations manual.~~

~~2 Changes affecting the terms of the certificate as defined in the Operations Specification~~

~~including the following items should be considered as ~~major~~ changes **REQUIRING APPROVAL** and not be subject to A **PRIOR APPROVAL BY THE COMPETENT AUTHORITY** the minor amendment procedure:~~

.....

comment

2989

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority.

**Comment:**

There should not be a requirement for full approval of the OPS manual. The OM Part-C, which has weekly revisions, should not be approved by the competent Authority, only those major changes but not the smaller changes (i.e. editorials). The OM is anyway under the oversight of the authority, but should not require full approval by the competent authority. The airlines have in their Ops Manual material not related to the regulation; modification to those parts should not be subject to prior authority approval.

**Proposal:**

Merge AMC OR.OPS.015.MLR(g) Operations Manual - AUTHORITY APPROVAL and AMC OR.OPS.015.MLR(h) Operations Manual- MINOR/MAJOR CHANGES  
The resulting text would read as follows:

*The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions **SUBJECT TO AN APPROVAL** are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority **MINOR/MAJOR CHANGES REQUIRING APPROVAL***

~~1 The procedure for minor amendments should be included in the operations manual.~~

~~2 Changes affecting the terms of the certificate as defined in the Operations Specification~~

~~including the following items should be considered as *major* changes **REQUIRING APPROVAL** and not be subject to A **PRIOR APPROVAL BY THE COMPETENT AUTHORITY** the minor amendment procedure:~~

comment

3401

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

"in advance of the effective date" should be more precise. According to our previous comments on NPA 2008-22, EASA must specify delays for administrative requests.

comment

3434

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

There should be a minimum advance period to enable the competent authority to judge the impact of the change.

**Proposal:**

Set a lead time, for example one week notice before the change can be effective in the operations manual.

comment

3563

comment by: *KLM Cityhopper*

**Comment:**

There should not be a requirement for full approval of the OPS manual. The OM Part-C, which has weekly revisions, should not be approved by the competent Authority, only those major changes but not the smaller changes (i.e. editorials). The OM is anyway under the oversight of the authority, but should not require full approval by the competent authority. The airlines have in their Ops Manual material not related to the regulation;

modification to those parts should not be subject to prior authority approval.

**Proposal:**

Merge AMC OR.OPS.015.MLR(g) Operations Manual - AUTHORITY APPROVAL and AMC OR.OPS.015.MLR(h) Operations Manual- MINOR/MAJOR CHANGES

The resulting text would read as follows:

*The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions **SUBJECT TO AN APPROVAL** are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority*

~~MINOR/MAJOR CHANGES REQUIRING APPROVAL~~

~~1 The procedure for minor amendments should be included in the operations manual.~~

~~2 Changes affecting the terms of the certificate as defined in the Operations Specification~~

~~including the following items should be considered as ~~major~~ changes **REQUIRING APPROVAL** and not be subject to A **PRIOR APPROVAL BY THE COMPETENT AUTHORITY** ~~the minor amendment procedure.~~~~

comment

3720

comment by: AIR FRANCE

**Relevant Text:**

The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority.

**Comment:**

There should not be a requirement for full approval of the OPS manual as explained in the comment about OR.OPS.015.MLR. The OM part submitted for approval to the competent authority should then be limited to those defined as subject to an approval.

**Proposal:**

Merge AMC OR.OPS.015.MLR(g) Operations Manual - AUTHORITY APPROVAL and AMC OR.OPS.015.MLR(h) Operations Manual- MINOR/MAJOR CHANGES

The resulting text would read as follows:

The operator should supply the competent Authority with intended amendments and revisions in advance of the effective date. When immediate amendments or revisions ADD "SUBJECT TO AN APPROVAL" are required in the interest of safety, they may be published and applied immediately, provided that the operator also applied for approval by the competent Authority

DELETE "MINOR/MAJOR" ADD "CHANGES REQUIRING APPROVAL"

DELETE "1 The procedure for minor amendments should be included in the operations manual."

2 Changes affecting the terms of the certificate as defined in the Operations Specification including the following items should be considered as DELETE "major" changes ADD "REQUIRING" DELETE "and not be subject to" A PRIOR APPROVAL BY THE COMPETENT AUTHORITY DELETE "the minor amendment procedure":

comment

3779

comment by: IACA International Air Carrier Association

Delete "minor amendments procedure" entirely.

Matters subject to approval are dealt with, and documented, during the certification process. Requiring the competent authority and its inspectors to approve the OM is counter productive to safety as it will delay the OM and its amendments. Also, it is not in line with the concept of the certificate holder being responsible for compliance.

Amend "For air operator certificate holders, the OM and its amendments shall be approved by the competent authority." to "For air operator certificate holders, those parts of the OM and its amendments with are considered major changes, hence subject to prior approval i.a.w. AMC OR.OPS.015.MLR(h)2. shall be approved by the competent authority."

comment 4023

comment by: *Axel Schwarz*

Not all changes to the Operations Manual require approval. The requirement should read "that the operator also applied for acceptance or approval, as applicable, at the competent authority".

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC OR.OPS.015.MLR(h) Operations Manual**

p. 67-68

comment 475

comment by: *CAA-NL*

**Comment CAA-NL:**

Reference to "awareness training" is inappropriate.

**Justification:** Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities". In any event it is suggested that is anomalous to only regard awareness training programmes as not subject to the minor amendment procedure.

**Proposed Text (if applicable):**

- o. Dangerous Goods training programmes.

comment 588

comment by: *International Air Transport Association*

AMC OR.OPS.015.MLR(h) 2 o.

The inclusion of the word "awareness" in relation to dangerous goods training programmes is not consistent with regulatory text. It should simply refer to dangerous goods training programmes.

comment 597

comment by: *Luftfahrt-Bundesamt*

There is no „awareness Training“ defined in the ICAO Technical instructions. In order to be compliant with those requirements the word „awareness“ should be deleted:

**o. Dangerous Goods awareness training programmes.**

comment 754 comment by: *Luftfahrt-Bundesamt*

The LBA does not accept the downgrading of Subpart P in JAR-OPS 1 / JAR-OPS 3 in an AMC. The current rule status guarantees a uniform application. We herewith request to re-establish this situation.  
Justification: see LBA - General Comment, reasons 1 and 2.

comment 893 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**Concern Detail:**

AMC OR.OPS.015.MLR (h) 2. o.  
Reference to "awareness training" is inappropriate.

**Comment:**

Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities". In any event it is suggested that it is anomalous to only regard awareness training programmes as not subject to the minor amendment procedure.

**Proposal:**

o. Dangerous Goods awareness training programmes.

comment 1325 comment by: *Royal Aeronautical Society*

The list in subparagraph 2 (major changes) does not currently include the individual flight time specification scheme that must be approved by the Agency (Part-AR, AR.OPS.310), which it is suggested should be included because it is an 'approved' item.

It is suggested that the list be amended to include: **The individual flight time specification scheme approved by the Agency.**

comment 1414 comment by: *UK CAA*

**Page No:** 68

**Paragraph No:** AMC OR.OPS.015.MLR(h) 2 o.

**Comment:** Reference to "awareness training" is inappropriate.

**Justification:** Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities". It is anomalous to regard only awareness training programmes as not subject to the minor amendment procedure.

**Proposed Text (if applicable):**

o. Dangerous Goods awareness training programmes.

comment 1441 comment by: *Pietro Barbagallo ENAC*

Comment: 015 MLR 2.o Reference to "awareness training" is inappropriate.

Justification: Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities". In any event it is suggested that it is anomalous to only regard awareness training programmes as not subject to the minor amendment procedure.

Proposed text: Amend AMC OR.OPS.015.MLR (h) 2 o. as follows: "Dangerous Goods programmes."

comment

1448

comment by: *Pietro Barbagallo ENAC*

AMC OR.OPS.015.MLR (h) 2 o.

Comment: Reference to "awareness training" is inappropriate.

Justification: This comment is consistent with the previous on AMC OR.OPS.100.GEN (f) 2)

Proposal: Amend AMC OR.OPS.015.MLR (h) 2 o. as follows: Dangerous Goods ~~awareness~~ training programmes.

comment

1467

comment by: *CAA-NL*

Attachment [#39](#)

Comment CAA-NL:

The CAa-NL proposes to use the attached JAR A and A list in reference to the minor/major' approval process.

The JAR A and A list clearly states what parts of the OM should be regarded as 'major'.

comment

3494

comment by: *IATA*

o. Dangerous Goods **awareness** training programmes

Proposal:

Delete **"awareness"**. It is not part of

ICAO TI (ICAO Doc 9284).

comment

3584

comment by: *Finnish CAA*

Paragraph No: AMC OR.OPS.015.MLR(h) 2 o.

Comment: Reference to "awareness training" is inappropriate.

Justification: Part 1 Chapter 4 of the ICAO Technical Instructions details the dangerous goods training requirements for all categories of staff and makes no mention of "awareness training", only that personnel must be trained "commensurate with their responsibilities". In any event it is suggested that it is anomalous to only regard awareness training programmes as not subject to the minor amendment procedure.

Proposed Text (if applicable):

o. Dangerous Goods awareness training programmes.

comment

3780

comment by: *IACA International Air Carrier Association*

Delete "minor amendments procedure" entirely.

Matters subject to approval are dealt with, and documented, during the certification process. Requiring the competent authority and its inspectors to approve the OM is counter productive to safety as it will delay the OM and its amendments. Also, it is not in line with the concept of the certificate holder being responsible for compliance.

Amend "For air operator certificate holders, the OM and its amendments shall be approved by the competent authority." to "For air operator certificate holders, those parts of the OM and its amendments with are considered major changes, hence subject to prior approval i.a.w. AMC OR.OPS.015.MLR(h)2. shall be approved by the competent authority."

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC1  
OR.OPS.020.MLR(c) Minimum Equipment List**

p. 68

comment

443

comment by: *CAA-NL*

Comment CAA-NL:

The applicable time scale is set on 90 days from the moment the SOCS has changed the MMEL. In the JAR MMEL/MEL this was changed to 90 days from the moment the SOCS changed the MMEL and to handover to the authority. Experience has learned that if we keep hold on the proposal of the Agency operators will overrun this deadline in most of the time.

comment

608

comment by: *AEA*

**Relevant Text:**

Amendments to the MEL following changes to the MMEL – Acceptable Time Scales

1. *An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder has changed the MMEL is 90 days from date of applicability specified in the approved change of the MMEL.*

**Comment:**

The timeframe requiring amendment of the MEL within 90 days is more restrictive than the current JAR-MMEL/MEL which requires the operator to submit within 90 days the MEL amendment for NAA approval. This could lead to problems in case of administrative delays at the Authority.

**Proposal:**

Realign the timeframe with JAR-MMEL/MEL '1. An acceptable time scale for submitting an MEL amendment to the Authority after...

In addition, EASA could then define the timeframe within which the Authority would need to approve the MEL amendment.

comment 694 comment by: *Dassault Aviation*

Technical comment.  
Page 68 AMC1 OR.OPS.020.MLR(c) §1: We would like EASA to confirm that the term "date of applicability" will be defined in the CS-MMEL.

comment 914 comment by: *AEA*

Sections:  
AMC1 OR.OPS.020.MLR (c) Minimum Equipment List  
AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES  
And  
AMC2 OR.OPS.020.MLR(c) Minimum Equipment List  
AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE CHANGES

**Relevant Text:**  
(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**  
Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**  
We propose the use of only "acceptable" (as in the AMC1)

comment 1290 comment by: *Dassault Aviation*

Technical comment:  
Page 68: Proposal for new AMC to deal with the process for entry into the MEL:  
We propose a new AMC under reference AMC OR.OPS.020.MLR as follows: "The MEL is not intended to provide fault isolation guidance nor does it provide instructions to effect repair. A basic premise of MEL deferral is that sufficient fault isolation has occurred prior to applying the dispatch relief potentially available via the MEL."

comment 1635 comment by: *TAP Portugal*

**Relevant Text:**  
Amendments to the MEL following changes to the MMEL – Acceptable Time Scales  
1. *An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder has changed the MMEL is 90 days from date of applicability specified in the approved change of the MMEL.*

**Comment:**  
The timeframe requiring amendment of the MEL within 90 days is more restrictive than the current JAR-MMEL/MEL which requires the operator to submit within 90 days the MEL amendment for NAA approval. This could lead

to problems in case of administrative delays at the Authority.

**Proposal:**

Realign the timeframe with JAR-MMEL/MEL '1. An acceptable time scale for submitting an MEL amendment to the Authority after...

In addition, EASA could then define the timeframe within which the Authority would need to approve the MEL amendment.

comment

1793

comment by: *Austro Control GmbH*

General Comment to relevant AMC:

AMC /GM to OR.OPS.020 expanded to include:

Define three levels of indirect approval:

\*\*\* Administrative (Typos, format error correction, Record new MMEL where no change to MEL

\*\*\* Standard (Add/remove additional A/C to existing MEL, update for MMEL and TGL revisions.

\*\*\* Full (Authority to author and approve new MEL's)

Define the basic concepts of an MEL procedure, and MEL indirect approval procedure.

- Need for input from operations engineering and technical/maintenance engineering personnel.

- Need for a clear two step sign off, covering both areas.

- Need for procedure to be regularly audited by compliance/quality system.

comment

2146

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

Amendments to the MEL following changes to the MMEL – Acceptable Time Scales

1. *An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder has changed the MMEL is 90 days from date of applicability specified in the approved change of the MMEL.*

**Comment:**

The timeframe requiring amendment of the MEL within 90 days is more restrictive than the current JAR-MMEL/MEL which requires the operator to submit within 90 days the MEL amendment for NAA approval. This could lead to problems in case of administrative delays at the Authority.

**Proposal:**

Realign the timeframe with JAR-MMEL/MEL '1. An acceptable time scale for submitting an MEL amendment to the Authority after...

In addition, EASA could then define the timeframe within which the Authority would need to approve the MEL amendment

comment

2147

comment by: *AUSTRIAN Airlines*

Sections:

AMC1 OR.OPS.020.MLR (c) Minimum Equipment List

AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES

And

AMC2 OR.OPS.020.MLR(c) Minimum Equipment List

AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE CHANGES

**Relevant Text:**

(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment

2435

comment by: KLM

**Relevant Text:**

Amendments to the MEL following changes to the MMEL – Acceptable Time Scales

1. *An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder has changed the MMEL is 90 days from date of applicability specified in the approved change of the MMEL.*

**Comment:**

The timeframe requiring amendment of the MEL within 90 days is more restrictive than the current JAR-MMEL/MEL which requires the operator to submit within 90 days the MEL amendment for NAA approval. This could lead to problems in case of administrative delays at the Authority.

**Proposal:**

Realign the timeframe with JAR-MMEL/MEL '1. An acceptable time scale for submitting an MEL amendment to the Authority after...

In addition, EASA could then define the timeframe within which the Authority would need to approve the MEL amendment.

comment

2436

comment by: KLM

Sections:

AMC1 OR.OPS.020.MLR (c) Minimum Equipment List

AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES

And

AMC2 OR.OPS.020.MLR(c) Minimum Equipment List

AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE CHANGES

**Relevant Text:**

(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment

2627

comment by: Deutsche Lufthansa AG

**Relevant Text:**

Amendments to the MEL following changes to the MMEL – Acceptable Time Scales

1. *An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder has changed the MMEL is 90 days from date of applicability specified in the approved change of the MMEL.*

**Comment:**

The timeframe requiring amendment of the MEL within 90 days is more restrictive than the current JAR-MMEL/MEL which requires the operator to submit within 90 days the MEL amendment for NAA approval. This could lead to problems in case of administrative delays at the Authority.

**Proposal:**

Realign the timeframe with JAR-MMEL/MEL '1. An acceptable time scale for submitting an MEL amendment to the Authority after...

In addition, EASA could then define the timeframe within which the Authority would need to approve the MEL amendment.

comment

2628

comment by: Deutsche Lufthansa AG

**Relevant Elements:**

**AMC1 OR.OPS.020.MLR (c)** Minimum Equipment List

AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES

And

**AMC2 OR.OPS.020.MLR(c)** Minimum Equipment List

AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE CHANGES

**Relevant Text:**

(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment 2679 comment by: Airbus

The 90-day time scale for amending the MEL after MMEL change was suitable for a traditional paper document amendment system. It should be discussed whether this time scale is still the right one in an electronic document management environment. Tailored solutions, acceptable to the competent authority, may have to be set up.

comment 2991 comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

Amendments to the MEL following changes to the MMEL – Acceptable Time Scales

1. An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder has changed the MMEL is 90 days from date of applicability specified in the approved change of the MMEL.

**Comment:**

The timeframe requiring amendment of the MEL within 90 days is more restrictive than the current JAR-MMEL/MEL which requires the operator to submit within 90 days the MEL amendment for NAA approval. This could lead to problems in case of administrative delays at the Authority.

**Proposal:**

Realign the timeframe with JAR-MMEL/MEL '1. An acceptable time scale for submitting an MEL amendment to the Authority after...

In addition, EASA could then define the timeframe within which the Authority would need to approve the MEL amendment.

comment 2992 comment by: Swiss International Airlines / Bruno Pfister

Sections:

AMC1 OR.OPS.020.MLR (c) Minimum Equipment List

AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES

And

AMC2 OR.OPS.020.MLR(c) Minimum Equipment List

AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE CHANGES

**Relevant Text:**

(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment 3546 comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Comment**

"An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder has changed : the MMEL is 90 days from the date of applicability specified in the approved change to the MMEL." This is a new constraint that does not lead to any significant and demonstrated safety improvement. Moreover, this article depends on NPA 2009-01 CRD . As a result, there may be a new consultation for NPA 2009-02 as this article may change due to the fact (S)OSC may disappear.

**Proposal**

This must be realigned with EU-OPS, meaning 90 days to submit the MEL amendment for NAAs approval.

**Justification**

obvious

comment

3721

comment by: AIR FRANCE

**Relevant Text:**

Amendments to the MEL following changes to the MMEL – Acceptable Time Scales

1. An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder has changed the MMEL is 90 days from date of applicability specified in the approved change of the MMEL.

**Comment:**

The timeframe requiring amendment of the MEL within 90 days is more restrictive than the current JAR-MMEL/MEL which requires the operator to submit within 90 days the MEL amendment for NAA approval. This could lead to problems in case of administrative delays at the Authority.

**Proposal:**

Realign the timeframe with JAR-MMEL/MEL '1. An acceptable time scale for submitting an MEL amendment to the Authority after...

It could then be defined the timeframe within which the Authority would need to approve the MEL amendment.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC2  
OR.OPS.020.MLR(c) Minimum Equipment List**

p. 68

comment

693

comment by: Dassault Aviation

Technical comment.

Page 68 AMC2 OR.OPS.020.MLR(c) §2: this § reads "change of a new item...". How a new item can be changed, since it is a new item ? We suggest to delete the word *new*.

Second comment is to say that bullets 2 and 3 are exclusive, so that the "and" at the end of bullet 2 should be replaced by "or". Third comment is to say that bullet 4 has to be deleted ("significant changes to the operational and maintenance procedures"), because the term "significant" is not defined anywhere, and because MMEL operational and maintenance procedures are not approved. Fourth comment is on the concept of Applicable Changes: we propose to introduce the FAA concept of Standard Revision and Interim

Revision. Standard Revision is a revision applicable to all Operators of a type of aeroplane, in that case, the Operator has to amend its MEL accordingly to the MMEL in the 90 days from the date of applicability. Interim Revision is a revision applicable only to Operators impacted by the change(s) introduced in the Interim Revision: it could be the introduction of an optional piece of equipment for example. In that case of Interim Revision, the Operator will not have to inform his competent authority within the 90 days of an Interim Revision.

comment

914 ❖

comment by: AEA

Sections:

AMC1 OR.OPS.020.MLR (c) Minimum Equipment List

AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES

And

AMC2 OR.OPS.020.MLR(c) Minimum Equipment List

AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE CHANGES

**Relevant Text:**

(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment

1416

comment by: UK CAA

**Page No:** 68**Paragraph No:**

AMC1 OR.OPS.020.MLR(c)

**Comment:** AMC 1 OR.OPS.120.MLR(c)2 states that reduced timescales may be required if the Agency/competent authority consider it necessary. But that appears to be a rule and not a means of compliance.

comment

1636

comment by: TAP Portugal

Sections:

AMC1 OR.OPS.020.MLR (c) Minimum Equipment List

AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES

And

AMC2 OR.OPS.020.MLR(c) Minimum Equipment List

AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE

## CHANGES

**Relevant Text:**

(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment

1967

comment by: *Walter Gessky*1. **AMC2 OR.OPS.020.MLR(c) Minimum Equipment List**

3) changes to the MMEL as a result of an airworthiness directive and/or safety directive

issued by the Agency.

Comment.

It shall be noted that Austria does not support the proposed rule for safety directive. Until clarification of the subject, safety directives shall be deleted.

comment

2147 ❖

comment by: *AUSTRIAN Airlines*

Sections:

AMC1 OR.OPS.020.MLR (c) Minimum Equipment List

AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES

And

AMC2 OR.OPS.020.MLR(c) Minimum Equipment List

AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE CHANGES

**Relevant Text:**

(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment

2437

comment by: *KLM*

Sections:

AMC1 OR.OPS.020.MLR (c) Minimum Equipment List

AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL – ACCEPTABLE TIME SCALES

And  
 AMC2 OR.OPS.020.MLR(c) Minimum Equipment List  
 AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE  
 CHANGES

**Relevant Text:**

(AMC1) 1 An **acceptable time scale** for amending the MEL after the  
 (Supplemental) Operational Suitability Certificate (S)OSC holder.....  
 (AMC2) The following are applicable changes to the MMEL which require the  
 amendment of the MEL within the **applicable time scales**:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and  
 acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment

2628 ❖

comment by: *Deutsche Lufthansa AG***Relevant Elements:**

**AMC1 OR.OPS.020.MLR (c)** Minimum Equipment List  
 AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL –  
 ACCEPTABLE TIME SCALES

And

**AMC2 OR.OPS.020.MLR(c)** Minimum Equipment List  
 AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE  
 CHANGES

**Relevant Text:**

(AMC1) 1 An **acceptable time scale** for amending the MEL after the  
 (Supplemental) Operational Suitability Certificate (S)OSC holder.....  
 (AMC2) The following are applicable changes to the MMEL which require the  
 amendment of the MEL within the **applicable time scales**:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and  
 acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

comment

2680

comment by: *Airbus*

As operational and maintenance procedures may be described in separate  
 documents, and just referenced in the MEL, changes to these procedures do  
 not necessarily trigger a MEL amendment.

In addition, who will decide whether changes to (O) or (M) procedures are  
 "significant", and upon which criteria?

comment

2993

comment by: *Swiss International Airlines / Bruno Pfister*

Sections:

AMC1 OR.OPS.020.MLR (c) Minimum Equipment List  
 AMENDMENTS TO THE MEL FOLLOWING CHANGES TO THE MMEL –

## ACCEPTABLE TIME SCALES

And

AMC2 OR.OPS.020.MLR(c) Minimum Equipment List

AMENDMENT TO THE MEL FOLLOWING CHANGES TO THE MMEL – APPLICABLE CHANGES

**Relevant Text:**

(AMC1) 1 An acceptable time scale for amending the MEL after the (Supplemental) Operational Suitability Certificate (S)OSC holder.....

(AMC2) The following are applicable changes to the MMEL which require the amendment of the MEL within the applicable time scales:

**Comment:**

Lack of consistent terminology. The (indistinctive) use of applicable and acceptable is confusing.

**Proposal:**

We propose the use of only "acceptable" (as in the AMC1)

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC OR.OPS.020.MLR(d) Minimum Equipment List**

p. 68

comment

444

comment by: CAA-NL

CAA-NL requests EASA to please stick to the JAR MMEL/MEL examples ATA numbering is oke but this is only possible if MMEL are using this layout as well. Otherwise it is hard to check the MEL against the MMEL without any help of the operator.

comment

685

comment by: Dassault Aviation

Editorial comment.

Page 68 AMC OR.OPS.020.MLR(d) §1: the terms "message-oriented MEL" are written twice.

comment

915

comment by: AEA

**Relevant Text:**

Other format may also be used if (e.g. message oriented MEL) or if it is a message oriented MEL.

**Comment:**

The text, as it stands, is not readable, it does not make sense.

**Proposal:**

improve text.

comment

916

comment by: AEA

**Relevant Text:**

1 A five column format should be used. Other format may also be used if (e.g. message- oriented MEL) or if it is a message oriented MEL. An example of five column format can be found in Appendix 1 to AMC OR.OPS.MLR.020(d) [tbd].

2 A model for the Preamble can be found in Appendix 2 to AMC OR.OPS.MLR.020(d) [tbd].

**Comment:**

(1) And (2) are still TBD, the appendixes are not published; unable to comment on only partially available text.

comment

1293

comment by: *Dassault Aviation*

Technical comment:

Page 68 AMC OR.OPS.020.MLR(d) Format of the MEL: For bullet 1, we suggest that a more flexible approach is taken - no need for specifying a 5 columns format - as new emergent technology such as EFBs may lead to use more appropriate format. For bullet 2, we propose to specify the ATA 100/2200 specifications as an example to keep consistency throughout documentation of equipment designation, as follows: "Designation of equipment should be consistent / homogeneous throughout the documentation to avoid misinterpretation. For example, the ATA 100/2200 Specifications numbering system may be used for the item numbering system".

comment

1638

comment by: *TAP Portugal*

**Relevant Text:**

Other format may also be used if (e.g. message oriented MEL) or if it is a message oriented MEL.

**Comment:**

The text, as it stands, is not readable, it does not make sense.

**Proposal:**

improve text.

comment

1639

comment by: *TAP Portugal*

**Relevant Text:**

1 A five column format should be used. Other format may also be used if (e.g. message- oriented MEL) or if it is a message oriented MEL. An example of five column format can be found in Appendix 1 to AMC OR.OPS.MLR.020(d) [tbd].  
2 A model for the Preamble can be found in Appendix 2 to AMC OR.OPS.MLR.020(d) [tbd].

**Comment:**

(1) And (2) are still TBD, the appendixes are not published; unable to comment on only partially available text.

comment

2148

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

Other format may also be used if (e.g. message oriented MEL) or if it is a message oriented MEL.

**Comment:**

The text, as it stands, is not readable, it does not make sense.

**Proposal:**

improve text.

comment

2149

comment by: *AUSTRIAN Airlines***relevant Text:**

1 A five column format should be used. Other format may also be used if (e.g. message- oriented MEL) or if it is a message oriented MEL. An example of five column format can be found in Appendix 1 to AMC OR.OPS.MLR.020(d) [tbd].

2 A model for the Preamble can be found in Appendix 2 to AMC OR.OPS.MLR.020(d)

[tbd].

**Comment:**

(1) And (2) are still TBD, the appendixes are not published; unable to comment on only partially available text.

comment

2438

comment by: *KLM***Relevant Text:**

Other format may also be used if (e.g. message oriented MEL) or if it is a message oriented MEL.

**Comment:**

The text, as it stands, is not readable, it does not make sense.

**Proposal:**

improve text.

comment

2440

comment by: *KLM***Relevant Text:**

1 A five column format should be used. Other format may also be used if (e.g. message- oriented MEL) or if it is a message oriented MEL. An example of five column format can be found in Appendix 1 to AMC OR.OPS.MLR.020(d) [tbd].

2 A model for the Preamble can be found in Appendix 2 to AMC OR.OPS.MLR.020(d)

[tbd].

**Comment:**

(1) And (2) are still TBD, the appendixes are not published; unable to comment on only partially available text.

comment

2605

comment by: *British Airways Flight Operations***Relevant Text:**

1 A five column format should be used. Other format may also be used if (e.g. message- oriented MEL) or if it is a message oriented MEL. An example of five column format can be found in Appendix 1 to AMC OR.OPS.MLR.020(d) [tbd].

2 A model for the Preamble can be found in Appendix 2 to AMC OR.OPS.MLR.020(d)

[tbd].

**Comment:**

(1) And (2) are still TBD, the appendices are not published; we are unable to comment on unavailable text.

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2630

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

Other format may also be used if (e.g. message oriented MEL) or if it is a message oriented MEL.

**Comment:**

The text, as it stands, is not readable, it does not make sense.

**Proposal:**

improve text.

comment

2631

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

1 A five column format should be used. Other format may also be used if (e.g. message- oriented MEL) or if it is a message oriented MEL. An example of five column format can be found in Appendix 1 to AMC OR.OPS.MLR.020(d) [tbd].  
2 A model for the Preamble can be found in Appendix 2 to AMC OR.OPS.MLR.020(d) [tbd].

**Comment:**

(1) And (2) are still TBD, the appendixes are not published; unable to comment on only partially available text.

comment

2682

comment by: *Airbus*

1) The second sentence in paragraph 1 is not understandable. The following wording is suggested:  
"Other format may also be used, provided they are clear and unambiguous (e.g. message oriented MEL)."

2) The ATA numbering system, which has been primarily established for maintenance purposes, may, in some cases, not be fully adapted to operational needs. It is suggested to modify paragraph 3 as follows:  
"The ATA 100/2200 Specification numbering system should be used *as much as possible* for the item numbering system."

comment

2994

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Other format may also be used if (e.g. message oriented MEL) or if it is a message oriented MEL.

**Comment:**

The text, as it stands, is not readable, it does not make sense.

**Proposal:**

improve text.

comment

2995

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

1 A five column format should be used. Other format may also be used if (e.g. message- oriented MEL) or if it is a message oriented MEL. An example of five column format can be found in Appendix 1 to AMC OR.OPS.MLR.020(d) [tbd].

2 A model for the Preamble can be found in Appendix 2 to AMC OR.OPS.MLR.020(d)

[tbd].

**Comment:**

(1) And (2) are still TBD, the appendixes are not published; unable to comment on only partially available text.

comment

3722

comment by: *AIR FRANCE***Relevant Text:**

1 A five column format should be used. Other format may also be used if (e.g. message- oriented MEL) or if it is a message oriented MEL. An example of five column format can be found in Appendix 1 to AMC OR.OPS.MLR.020(d) [tbd].

2 A model for the Preamble can be found in Appendix 2 to AMC OR.OPS.MLR.020(d)

[tbd].

**Comment:**

(1) And (2) are still TBD, the appendixes are not published; we are unable to comment.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - GM  
OR.OPS.020.MLR(e) Minimum Equipment List**

p. 68

comment

445

comment by: *CAA-NL*

Comment CAA-NL:

It is not clear what the Agency means by Book 1 of CS-MMEL

comment

917

comment by: *AEA***Relevant Text:**

The definition of Rectification Intervals categories are provided in Book 1 of CSMMEL.

**Comment:**

The CS is still not published. Unable to comment on a text only partially available.

- comment 1640 comment by: *TAP Portugal*
- Relevant Text:**  
The definition of Rectification Intervals categories are provided in Book 1 of CSMMEL.
- Comment:**  
The CS is still not published. Unable to comment on a text only partially available.
- comment 2150 comment by: *AUSTRIAN Airlines*
- Relevant Text:**  
The definition of Rectification Intervals categories are provided in Book 1 of CSMMEL.
- Comment:**  
The CS is still not published. Unable to comment on a text only partially available.
- comment 2441 comment by: *KLM*
- Relevant Text:**  
The definition of Rectification Intervals categories are provided in Book 1 of CSMMEL.
- Comment:**  
The CS is still not published. Unable to comment on a text only partially available.
- comment 2608 comment by: *British Airways Flight Operations*
- Relevant Text:**  
The definition of Rectification Intervals categories are provided in Book 1 of CSMMEL.
- Comment:**  
The CS is still not published. Unable to comment on a text only partially available.
- General Comment:**  
NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.
- comment 2632 comment by: *Deutsche Lufthansa AG*
- Relevant Text:**  
The definition of Rectification Intervals categories are provided in Book 1 of CS-MMEL.
- Comment:**  
The CS is still not published. Unable to comment on a text only partially available.

comment 2997 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

The definition of Rectification Intervals categories are provided in Book 1 of CSMMEL.

**Comment:**

The CS is still not published. Unable to comment on a text only partially available.

comment 3724 comment by: *AIR FRANCE*

**Relevant Text:**

The definition of Rectification Intervals categories are provided in Book 1 of CS MMEL.

**Comment:**

The CS is still not published. Unable to comment on a text only partially available.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC1** p. 68-69  
**OR.OPS.020.MLR(f) Minimum Equipment List**

comment 135 comment by: *Air Via*

It seems the Air Operators have freedom to nominate the person responsible for the control of RIE. The blurred thing here is what kind of training must receive the person in question. Does aeronautical degree, respectively basic Part 66 training satisfy this requirement or any specialised training is necessary? On the second place - "...necessary knowledge in terms of operational use.." - does Part 66 cat.B with at least five years experience in commercial air operator satisfy this? What kind of knowledge of the safety levels criteria.. have to be covered? Does holding of position in Engineering Department of commercial operator for five years is suitable?

comment 331 comment by: *Association of Dutch Aviation Technicians NVLT*

Please alter maintenance personnel in certifying staff.

comment 768 comment by: *claire.amos*

Requirement to state personnel by appointment and name - this includes all Duty Pilots

comment 918 comment by: *AEA*

**Relevant Text:**

2. Personnel authorising RIE's should be adequately trained in technical and/or operational disciplines to accomplish his/her duties.

**Comment:**

Experienced personnel is what is required to perform the required assessment: experienced personnel encompasses the appropriate training plus the required experience

**Proposal:**

Personnel authorising RIE's should be **experienced** in technical and/or operational disciplines to accomplish his/her duties.

comment 1641

comment by: TAP Portugal

**Relevant Text:**

2. Personnel authorising RIE's should be adequately trained in technical and/or operational disciplines to accomplish his/her duties.

**Comment:**

Experienced personnel is what is required to perform the required assessment: experienced personnel encompasses the appropriate training plus the required experience

**Proposal:**

Personnel authorising RIE's should be **experienced** in technical and/or operational disciplines to accomplish his/her duties.

comment 2151

comment by: AUSTRIAN Airlines

**Relevant Text:**

2. Personnel authorising RIE's should be adequately trained in technical and/or operational disciplines to accomplish his/her duties.

**Comment:**

Experienced personnel is what is required to perform the required assessment: experienced personnel encompasses the appropriate training plus the required experience

**Proposal:**

Personnel authorising RIE's should be **experienced** in technical and/or operational disciplines to accomplish his/her duties.

comment 2442

comment by: KLM

**Relevant Text:**

2. Personnel authorising RIE's should be adequately trained in technical and/or operational disciplines to accomplish his/her duties.

**Comment:**

Experienced personnel is what is required to perform the required assessment: experienced personnel encompasses the appropriate training plus the required experience

**Proposal:**

Personnel authorising RIE's should be **experienced** in technical and/or operational disciplines to accomplish his/her duties.

comment	2633	comment by: <i>Deutsche Lufthansa AG</i>
<p><b>Relevant Text:</b> 2. Personnel authorising RIE's should be adequately trained in technical and/or operational disciplines to accomplish his/her duties.</p> <p><b>Comment:</b> Experienced personnel is what is required to perform the required assessment: experienced personnel encompasses the appropriate training plus the required experience</p> <p><b>Proposal:</b> Personnel authorising RIE's should be <b>experienced</b> in technical and/or operational disciplines to accomplish his/her duties.</p>		
comment	2684	comment by: <i>Airbus</i>
<p>Paragraph 2 says that personnel authorising RIE's should have "engineering competences in terms of aircraft design (e.g. knowledge of the safety levels criteria for type design and those applicable for the design of the MMEL)".</p> <p>We assume that the required knowledge is related to the general design and certification principles for systems safety. This should be specified, as it cannot be expected that the operator's staff will have the same detailed knowledge of the particular aircraft design as the TC holder.</p>		
comment	2998	comment by: <i>Swiss International Airlines / Bruno Pfister</i>
<p><b>Relevant Text:</b> 2. Personnel authorising RIE's should be adequately trained in technical and/or operational disciplines to accomplish his/her duties.</p> <p><b>Comment:</b> Experienced personnel is what is required to perform the required assessment: experienced personnel encompasses the appropriate training plus the required experience</p> <p><b>Proposal:</b> Personnel authorising RIE's should be <b>experienced</b> in technical and/or operational disciplines to accomplish his/her duties.</p>		
comment	3725	comment by: <i>AIR FRANCE</i>
<p><b>Relevant Text:</b> 2. Personnel authorising RIE's should be adequately trained in technical and/or operational disciplines to accomplish his/her duties.</p> <p><b>Comment:</b> Experienced personnel is what is required to perform the required assessment: experienced personnel encompasses the appropriate training plus the required experience</p> <p><b>Proposal:</b> Personnel authorising RIE's should be experienced in technical and/or</p>		

operational disciplines to accomplish his/her duties.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC2  
OR.OPS.020.MLR(f) Minimum Equipment List**

p. 69

comment 446

comment by: CAA-NL

Comment CAA-NL:

(2) The Agency wants the authority to determine the form. It should be better to stay at the old principle that the operator determined the form and the authority approves the form.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - GM  
OR.OPS.020.MLR(f) Minimum Equipment List**

p. 69

comment 165

comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.020.MLR(f): change as follows and transfer to AMC:

**RECTIFICATION INTERVAL EXTENSION (RIE)**

Procedures for the extension of RI should only be applied under certain conditions, such as a shortage of parts from manufacturers or other unforeseen situations (e.g. inability to obtain equipment necessary for proper troubleshooting and repair), in which case the operator may be unable to comply with specified rectification intervals. **The operator must justify these unforeseen circumstances to the Authority.**

Justification:

If the operator doesn't justify these exceptional circumstances there is a risk of an abusive use of the possibility of extending the RI by the operator. ECA recommends these provisions be transferred to AMC as they are required to ensure a safe and reasonable use of RIE.

comment 3403

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Comment**

In the sentence : "Any item...safety", the correct wording is "should" and not "sould".

**Proposal**

The typo must be corrected.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - GM  
OR.OPS.020.MLR(g) Minimum Equipment List**

p. 69

comment 291

comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.020.MLR(g)(3): change wording "MMEL" to "MEL".

Justification:

Use of RIE does not prevent the operator to respect the MEL, if more

restrictive than MMEL.

comment 332 comment by: *Association of Dutch Aviation Technicians NVLT*

Normally maintenance procedures are accomplished by the maintenance personnel; However, other personnel may be qualified and authorised to perform certain functions.

Please clarify which maintenance personnel will normally accomplished the maintenance procedures.

Please specify which other personnel may be qualified and authorised to perform certain functions.

To our opinion, only flight crew who are authorized by the 145-organisation according Part-145 are allowed to perform certain (maintenance) functions.

comment 686 comment by: *Dassault Aviation*

Editorial comment.

Page 69 GM OR.OPS.020MLR(g) §2 - 1st line: "should" instead of "sould".

comment 919 comment by: *AEA*

**Relevant Text:**

Any item in the MEL which, when inoperative **sould** require an operational or maintenance procedure to ensure an acceptable level of safety,

**Comment:** editorial/typo

**Proposal:.**

item in the MEL which, when inoperative **should** require

comment 1642 comment by: *TAP Portugal*

**Relevant Text:**

Any item in the MEL which, when inoperative **sould** require an operational or maintenance procedure to ensure an acceptable level of safety,

**Comment:** editorial/typo

**Proposal:.**

item in the MEL which, when inoperative **should** require

comment 2152 comment by: *AUSTRIAN Airlines*

**Relevant Text:**

Any item in the MEL which, when inoperative **sould** require an operational or maintenance procedure to ensure an acceptable level of safety,

**Comment:** editorial/typo

**Proposal:.**

item in the MEL which, when inoperative **should** require

comment 2443 comment by: KLM

**Relevant Text:**

Any item in the MEL which, when inoperative **sould** require an operational or maintenance procedure to ensure an acceptable level of safety,

**Comment:** editorial/typo

**Proposal:**

item in the MEL which, when inoperative **should** require

comment 2634 comment by: Deutsche Lufthansa AG

**Relevant Text:**

Any item in the MEL which, when inoperative **sould** require an operational or maintenance procedure to ensure an acceptable level of safety,

**Comment:** editorial/typo

**Proposal:**

item in the MEL which, when inoperative **should** require

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC  
OR.OPS.020.MLR(g)(3) Minimum Equipment List**

p. 69

comment 290 comment by: ECA - European Cockpit Association

Comment on AMC OR.OPS.020.MLR(g)(3):

ACCOMPLISHMENT OF MAINTENANCE PROCEDURES.

Maintenance tasks should be accomplished whenever requested by the MMEL (e.g.maintenance task should be done again if the rectification interval is extended).

transfer to IR.

Justification:

Such a requirement is not subject to any interpretation or variant.

comment 695 comment by: Dassault Aviation

Technical comment.

Page 69 AMC OR.OPS.020.MLR(g)(3): Are the terms "maintenance task" - instead of "maintenance procedure" - used on purpose ? This AMC should not only be applicable to the maintenance procedures, but to any procedure - whatever (O) or (M) - which requires a verification. We propose to reword this AMC as follows (underlined is new proposal, strike out is deletion):  
ACCOMPLISHMENT OF MAINTENANCE AND / OR OPERATING PROCEDURES: Verification tasks, i.e. maintenance ~~tasks~~ and / or operating procedures, should be accomplished whenever requested by the MMEL (e.g. ~~maintenance verification~~ tasks should be done again if the rectification interval is extended).

comment 2999 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Any item in the MEL which, when inoperative **sould** require an operational or maintenance procedure to ensure an acceptable level of safety,  
Comment: editorial/typo

**Proposal:.**

item in the MEL which, when inoperative **should** require

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC  
OR.OPS.025.MLR Operational flight plan - commercial air transport**

p. 69-70

comment 153 comment by: *EHOC*

Paragraph 1.

The Operational Flight Plan is used to document exactly how the flight is to be conducted and what resources will be required: "the operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and expected conditions on the route to be flown and at the aerodromes concerned".

On the other hand, the Journey Log Book is a document that provides a post flight record used to: complete flight records; bill customers; provide the data for engineering schedules etc. In commercial operations, the Technical Log may be used instead of the Journey Log Book.

Because of their disparate uses and the timing of their completion, it would be better to establish the contents of each individually and separately.

comment 353 comment by: *CAA-NL*

Comment regarding:  
EU-OPS & JAR-OPS 3 x.1060

The CAA-NL poses the following question:  
EU-OPS & JAR-OPS 3 x.1060 requires more items to be included in de Operational Flight Plan; why are these requirements not included in this EASA OPS item?

Are these items already in the ATL system?

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC  
OR.OPS.030.MLR Information retained on the ground - commercial air  
transport**

p. 70

comment 314 comment by: *ECA - European Cockpit Association*

Comment on paragraph 3: change text as follows:

3 This information includes:

- a. a copy of the operational flight plan, where appropriate;
- b. copies of the relevant part(s) of the aircraft technical log;
- c. route specific NOTAM documentation if specifically edited by the operator;

d. mass and balance documentation; **when mass and balance documentation is sent to aeroplanes via datalink, a copy of the final mass and balance documentation as accepted by the commander must be available on the ground;** and

e. notification of special categories of passenger and special loads including dangerous goods, if applicable.

Justification:

Only the final accepted documentation is valid for record. It is essential that the recording of the acceptance is also kept on the ground.

comment

354

comment by: CAA-NL

Comment regarding:

(b) other than complex motor-powered helicopters; or

Proposal CAA-NL:

Add:

(b) should read "..... non-complex motor-powered aeroplanes ....."

Reason:

Sub (a) already mentions helicopters; were are missing the non-complex motor-powered aeroplanes

comment

1377

comment by: Pietro Barbagallo ENAC

Comment: This item should be moved at requirements level.

Justification: Shouldn't be possible to deviate from this provision in order to facilitate the investigations in case of accident.

comment

1417

comment by: UK CAA

**Page No:** 70

**Paragraph No:**

AMC OR.OPS.030.MLR

**Comment:** AMC OR.OPS.030.MLR provides that information should be retained until it has been duplicated or should be carried in a fire proof container. But again, this is not a means of compliance with any rule. The rule is complied with whether the information is duplicated or not.

comment

1730

comment by: REGA

The effort should be to keep paper-work at a reasonable level and proportional to the task.

**Proposal (1)**

*The information should be retained until it has been duplicated at the place at which it will be stored in accordance with OR.OPS.220.MLR.*

*Except for VFR flights when taking off and landing at the same aerodrome/operating site within the same 24 hours period and remaining*

within 50 nm of that aerodrome/operating site or in a specific operating area described in the operation manual and approved by the competent authority;

comment 3212 comment by: Ryanair

Paragraph 3 - to ensure uniformity throughout Members States amend as follows:

3. *The following information must be retained on the ground*

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section II - AMC  
OR.OPS.220.MLR Record-keeping**

p. 70

comment 219 comment by: ECA - European Cockpit Association

Comment on AMC OR.OPS.220.MLR: Must be IR

Justification:  
harmonisation with current FAA regulations

comment 292 comment by: ECA - European Cockpit Association

Comment on AMC OR.OPS.220.MLR 2: add the following text:

2 A summary of training should be maintained by the operator to show a flight crew member's completion of each stage of training and checking **and should be made available to the crew member.**

Justification:  
This document is necessary to facilitate audits and inspections by competent authority agents.

comment 355 comment by: CAA-NL

Comment regarding:

All text

Proposal CAA-NL:

Add:  
All requirements in tables as previously presented in EU-OPS and JAR-OPS

Reason:  
Placing all requirements in tables, makes it easier to read.

comment 616 comment by: claire.amos

Clarification required: What is the time frame that this is valid for? We are required by these regulations to keep training records for a set number of years, after which they will be destroyed so we would not always be in a position to deliver this.

comment

920

comment by: AEA

**Relevant Text:**

1 When a crew member changes an operator, the crew member record should be made available to the new operator.

2 A summary of training should be maintained by the operator to show a flight crew member's completion of each stage of training and checking.

**Comment:**

The Crew member TRAINING record should be made available UPON request, to the flight crew member concerned and not to the new operator by default.

**Proposal:**

An operator shall make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned.

comment

1418

comment by: UK CAA

**Page No:** 70**Paragraph No:** AMC OR.OPS.220.MLR - 1.

**Comment:** Text states when a crew member changes operator, crew records should be made available.

**Justification:** This can only be achieved if the crew member begins working for the new operator within the time scales for retention. Also, there does not appear to be any requirement for records of Initial training to be retained therefore expiry dates, as appropriate to the attestation, would not be available.

**Proposed Text (if applicable):** When a crew member changes an operator, the crew member record should be made available to the new operator, provided this is within the storage periods required by OR.OPS.220.MLR.

comment

1419

comment by: UK CAA

**Page No:** 70**Paragraph No:** AMC.OR.OPS.220.MLR - 2.

**Comment:** Text states summary of training must be retained to show flight crew member completion of training etc.

**Justification:** This should also apply to cabin crew.

**Proposed Text (if applicable):** A summary of training should be maintained by the operator to show a flight and cabin crew member's completion of each stage of training and checking.

comment

1643

comment by: TAP Portugal

**Relevant Text:**

Any item in the MEL which, when inoperative **sould** require an operational or maintenance procedure to ensure an acceptable level of safety,

**Comment:** editorial/typo

**Proposal:**  
item in the MEL which, when inoperative **should** require

comment 1717 comment by: *Thomas Cook Airlines*

Justification:

This adds an additional administrative responsibility for the operator for no safety benefit as the training records are only relevant to the operator

Proposal:

Remove the following text: When a crew member changes operator, the crew member record should be made available to the new operator

comment 1723 comment by: *Thomas Cook Airlines*

Justification:

Clarification required over wording does this include Cabin Crew?

Proposal:

If necessary add the word Cabin e.g. to show a Flight & **Cabin** Crew members completion of each stage of training.

comment 1830 comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

### **AMC OR.OPS.220.MLR Recordkeeping**

1. When a crew member changes an operator, the crew member record should be made available to the new operator.

**Comment** : Airlines within the EU will have different timescales for keeping or destroying records. Guidance must be given on the time scales that records must be kept on an ex-employee.

comment 2008 comment by: *Elaine Allan Monarch*

Page No.  
70

Ref No.  
NPA 2009 - 2c AMC OR OPS 220 MLR (1)

Summary of EASA Proposed Requirement:

When a crew member changes operator, the crew member record should be made available to the new operator

Comment:

These are only of use if the new operator audited the previous operator.

In this case are operators required to keep records for this purpose and does this include initial training.

## Justification:

This increases administrative duties for no safety benefit as the training records are only relevant to the operator

## Proposed Text (if applicable)

Remove the text: **When a crew member changes operator, the crew member record should be made available to the new operator**

comment

2009

comment by: *Elaine Allan Monarch*

Page No.  
70

Ref No.  
NPA 2009 - 2c AMC OR OPS 220 MLR (2)

## Summary of EASA Proposed Requirement:

A summary of training should be maintained by the operator to show flight crewmembers completion of each stage of training and checking

## Comment:

Does this include Cabin Crew?

## Justification:

Clarification required does this include Cabin Crew?

Proposed Text (if applicable)

comment

2153

comment by: *AUSTRIAN Airlines***Relevant Text:**

1 When a crew member changes an operator, the crew member record should be made available to the new operator.

2 A summary of training should be maintained by the operator to show a flight crew member's completion of each stage of training and checking.

**Comment:**

The Crew member TRAINING record should be made available UPON request, to the flight crew member concerned and not to the new operator by default.

**Proposal:**

An operator shall make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned.

comment

2418

comment by: *Virgin Atlantic Airways***Relevant Text:**

1) When a crew member changes an operator, the crew member record should be made available to the new operator.

**Comment:**

For what purpose? The crewmember should already have a copy of their attestation. How long is an operator required to keep an individual's records?

**Proposed text:**

1) If a crewmember moves to another operator a copy of their current attestation should be made available to the new operator.

comment

2423

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

A summary of training should be maintained by the operator to show a flight crew members completion of each stage of training and checking

**Comments**

Does this include Cabin crew?

**Proposed Text:**

A summary of training should be maintained by the operator to show a flight crew/ cabin crew members completion of each stage of training and checking.

comment

2444

comment by: *KLM*

**Relevant Text:**

1 When a crew member changes an operator, the crew member record should be made available to the new operator.

2 A summary of training should be maintained by the operator to show a flight crew member's completion of each stage of training and checking.

**Comment:**

The Crew member TRAINING record should be made available UPON request, to the flight crew member concerned and not to the new operator by default.

**Proposal:**

An operator shall make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned.

comment

2635

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

1 When a crew member changes an operator, the crew member record should be made available to the new operator.

2 A summary of training should be maintained by the operator to show a flight crew member's completion of each stage of training and checking.

**Comment:**

The Crew member TRAINING record should be made available UPON request, to the flight crew member concerned and not to the new operator by default.

**Proposal:**

An operator shall make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned.

comment

3000

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

1 When a crew member changes an operator, the crew member record should be made available to the new operator.

2 A summary of training should be maintained by the operator to show a flight crew member's completion of each stage of training and checking.

**Comment:**

The Crew member TRAINING record should be made available UPON request, to the flight crew member concerned and not to the new operator by default.

**Proposal:**

An operator shall make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned.

comment

3457

comment by: *Ryanair*

Comment ref Paragraph 1

This measure is poorly worded and vague and if enacted would not guarantee the new operator the documentation/record but will cost all airlines the administrative resources required to operate it. What record is to be made available - every record on file or a summary or current status and associated check forms?

In drafting this measure, has any thought been given to the issue of language? Records written in Latvian will not be of much use to an Italian Training manager.

Proposal

Delete AMC OR.OPS.220.MLR 1.

comment

3783

comment by: *IACA International Air Carrier Association*

1.

EU airlines will have different timescales for keeping or destroying records. Guidance must be given on the time scales that records must be kept on an ex-employee.

comment

1791

comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

except balloons

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - AMC  
OR.OPS.015.AOC Application for an Air Operator Certificate**

p. 71

comment 447 comment by: CAA-NL

Comment CAA-NL:  
The 60 days are most of the time too short to review. Please extend this to the 90 days as well

comment 767 comment by: claire.amos

The time scales are a welcome publication of internal policies

comment 1420 comment by: UK CAA

**Page No:** 71

**Paragraph No:** AMC OR.OPS.015.AOC

**Comment:** AMC OR.OPS.015.AOC purports to be a means of compliance. But the rule itself simply requires that an operator must apply for and obtain an AOC prior to commencing commercial air operations. They will comply with that rule whether they apply for and obtain the AOC 90 days or 90 minutes before commencing operations. So this is not a means of compliance at all. It is simply guidance to potential applicants that if they have a start date in mind they should sensibly allow 90 days for the application to be dealt with. It cannot be intended that if someone applies with a target start date in 85 days we need to go through the alternative means of compliance process. If on the other hand the intention is to provide that an authority need not accept an application submitted less than 90 days before the intended start date of the operation, that needs to be a rule (as it is in EU OPS).

comment 1968 comment by: Walter Gessky

**1. AMC OR.OPS.015.AOC Application for an Air Operator Certificate  
APPLICATION TIME FRAMES**

The application for an initial issue of an air operator certificate should be submitted at least 90 days before the date of intended operation. The Operations Manual may be submitted later, but in any case not later than 60 days before the date of intended operation.

Comment:

Request for an application shall be reflected in the rule.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - AMC  
OR.OPS.030.AOC Leasing**

p. 71

comment 220 comment by: ECA - European Cockpit Association

Comment on AMC OR.OPS.030.AOC(8):  
ECA requests clarification/rewording:

ECA considers that the contents of ACJ OPS 1.165(b)(2) and (c)(2) is not appropriately reflected in the proposed text. Legal implication might arise.

comment

1421

comment by: UK CAA

**Page No:** 71 of 136

**Paragraph No:**

AMC OR.OPS.030.AOC para 5

**Comment:** The text requires that a copy of the lease agreement be provided.

**Justification:** ICAO Doc 8335, Chapter 10 refers to "...a copy of the lease agreement or description of lease provisions...". Use of the ICAO wording would provide more flexibility in the process of arranging a lease

**Proposed Text (i f applicable):** "5. Copy of the lease agreement, except financial arrangements; or a description of the lease provisions."

comment

3405

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Comment**

This is not acceptable to comment on code share arrangements without knowing Part-TCO content as the text mentions it directly.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - AMC  
OR.OPS.035.AOC Code share arrangements**

p. 71

comment

941

comment by: AEA

**Relevant Text:**

Regular audits may be performed by:

1. A third party provider, using an internationally recognized evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured
2. Using an audit pooling system; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months.

**Comment:**

In order to align with the FAA requirements and in order to avoid an inflation of audits which would be costly and unjustified, the AEA urges EASA to fully recognize the IOSA audits as a means to comply with this legislation, the same way that FAA does e.g. there should be no requirement for on-site audits of the code-share partner is IOSA approved.

IFQP (FUEL) DAQCP(DE-ICING) are Quality Audit Pooling System and should be recognized

We oppose to the requirement for the operator to be involved in the audit process of the code share partner, it should be possible to use a third party for the audit.

**Proposal:**

1. A third party provider, using an internationally recognized evaluation system, **such as IOSA**, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured.
2. Using an audit pooling system, **such as IFQP and DAQCP**; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months **or measures in place to ensure acceptable quality levels**.

comment

1606 ❖

comment by: The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly

**p.11 OR.OPS.035.AOC Code share arrangements****(b)****(2)****p.71 AMC OR.OPS.035.AOC Code share arrangements REGULAR AUDITS****1.****2.****Proposal:**

EASA should follow the FAA example and recognise IOSA Registry as an acceptable means of compliance.

comment

1644

comment by: TAP Portugal

**Relevant Text:**

Regular audits may be performed by:

1. A third party provider, using an internationally recognized evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured
2. Using an audit pooling system; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months.

**Comment:**

In order to align with the FAA requirements and in order to avoid an inflation of audits which would be costly and unjustified, the AEA urges EASA to fully recognize the IOSA audits as a means to comply with this legislation, the same way that FAA does e.g. there should be no requirement for on-site audits of the code-share partner is IOSA approved.

IFQP (FUEL) DAQCP(DE-ICING) are Quality Audit Pooling System and should be recognized

We oppose to the requirement for the operator to be involved in the audit process of the code share partner, it should be possible to use a third party for the audit.

**Proposal:**

1. A third party provider, using an internationally recognized evaluation system, **such as IOSA**, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured.

2. Using an audit pooling system, **such as IFQP and DAQCP**; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months **or measures in place to ensure acceptable quality levels.**

comment

1969

comment by: *Walter Gessky*

1. **AMC OR.OPS.035.AOC Code share arrangements**

Comment:

Shall be deleted

comment

2154

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

Regular audits may be performed by:

1. A third party provider, using an internationally recognized evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured
2. Using an audit pooling system; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months.

**Comment:**

In order to align with the FAA requirements and in order to avoid an inflation of audits which would be costly and unjustified, AUSTRIAN urges EASA to fully recognize the IOSA audits as a means to comply with this legislation, the same way that FAA does e.g. there should be no requirement for on-site audits of the code-share partner is IOSA approved.

IFQP (FUEL) DAQCP(DE-ICING) are Quality Audit Pooling System and should be recognized

We oppose to the requirement for the operator to be involved in the audit process of the code share partner, it should be possible to use a third party for the audit.

**Proposal:**

1. A third party provider, using an internationally recognized evaluation system, **such as IOSA**, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured.
2. Using an audit pooling system, **such as IFQP and DAQCP**; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months **or measures in place to ensure acceptable quality levels.**

comment

2445

comment by: *KLM*

**Relevant Text:**

Regular audits may be performed by:

1. A third party provider, using an internationally recognized evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the

evaluation system used should be ensured

2. Using an audit pooling system; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months.

**Comment:**

In order to align with the FAA requirements and in order to avoid an inflation of audits which would be costly and unjustified, the AEA urges EASA to fully recognize the IOSA audits as a means to comply with this legislation, the same way that FAA does e.g. there should be no requirement for on-site audits of the code-share partner is IOSA approved.

IFQP (FUEL) DAQCP(DE-ICING) are Quality Audit Pooling System and should be recognized

We oppose to the requirement for the operator to be involved in the audit process of the code share partner, it should be possible to use a third party for the audit.

**Proposal:**

1. *A third party provider, using an internationally recognized evaluation system, **such as IOSA**, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured.*

2. *Using an audit pooling system, **such as IFQP and DAQCP**; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months **or measures in place to ensure acceptable quality levels.***

comment

2636

comment by: Deutsche Lufthansa AG

**Relevant Text:**

Regular audits may be performed by:

1. A third party provider, using an internationally recognized evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured

2. Using an audit pooling system; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months.

**Comment:**

In order to align with the FAA requirements and in order to avoid an inflation of audits which would be costly and unjustified, Lufthansa urges EASA to fully recognize the IOSA audits as a means to comply with this legislation, the same way that FAA does e.g. there should be no requirement for on-site audits of the code-share partner is IOSA approved.

IFQP (FUEL) DAQCP(DE-ICING) are Quality Audit Pooling System and should be recognized

We oppose to the requirement for the operator to be involved in the audit process of the code share partner, it should be possible to use a third party for the audit.

**Proposal:**

1. *A third party provider, using an internationally recognized evaluation system, **such as IOSA**, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as*

*well as the evaluation system used should be ensured.*

2. *Using an audit pooling system, **such as IFQP and DAQCP**; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months **or measures in place to ensure acceptable quality levels.***

comment 3001

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Regular audits may be performed by:

1. A third party provider, using an internationally recognized evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured

2. Using an audit pooling system; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months.

**Comment:**

In order to align with the FAA requirements and in order to avoid an inflation of audits which would be costly and unjustified, the AEA urges EASA to fully recognize the IOSA audits as a means to comply with this legislation, the same way that FAA does e.g. there should be no requirement for on-site audits of the code-share partner is IOSA approved.

IFQP (FUEL) DAQCP(DE-ICING) are Quality Audit Pooling System and should be recognized

We oppose to the requirement for the operator to be involved in the audit process of the code share partner, it should be possible to use a third party for the audit.

**Proposal:**

1. *A third party provider, using an internationally recognized evaluation system, **such as IOSA**, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured.*

2. *Using an audit pooling system, **such as IFQP and DAQCP**; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months **or measures in place to ensure acceptable quality levels.***

comment 3080

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

Regular audits may be performed by:

1. A third party provider, using an internationally recognized evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured.

2. Using an audit pooling system; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of

the code share third country operator itself at least once every 24 months.

**Comment:**

In order to align with the FAA requirements and in order to avoid an inflation of audits which would be costly and unjustified, we urge EASA to fully recognise the IOSA system as a means to comply with this legislation, the same way that FAA does e.g. there should be no requirement for on-site audits of the code-share partner is IOSA approved.

IFQP (FUEL) DAQCP(DE-ICING) are Quality Audit Pooling System and should be recognised

We oppose to the requirement for the operator to be involved in the audit process of the code share partner, it should be possible to use a third party for the audit.

**Proposal:**

1. A third party provider, using an internationally recognised evaluation system, such as IOSA, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured.

2. Using an audit pooling system, such as IFQP and DAQCP; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months or measures in place to ensure acceptable quality levels.

comment

3203

comment by: DGAC

Many countries such as France consider that compliance with IOSA standards is satisfactory for code share as it is a proof of conformity to ICAO standards. Is IOSA certification enough to prove both the conformity to TCO standard and to ER-OPS?

comment

3406

comment by: FNAM (Fédération Nationale de l'Aviation Marchande)

**Comment**

In order to comply with FAA requirements and to avoid the increment of audits and costs, EASA should recognize IOSA audits as it is already the case for FAA.

comment

3495

comment by: IATA

Regular audits may be performed by

1 A third party provider, using an internationally recognised evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured;

2 Using an audit pooling system; Audits

conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months.

That means additionally to e.g. an IOSA audit the operator has to conduct an audit every 12 months. Unacceptable!

Proposal:

**Delete this requirement.**

comment 3727

comment by: AIR FRANCE

**Relevant Text:**

Regular audits may be performed by:

1. A third party provider, using an internationally recognized evaluation system, designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured
2. Using an audit pooling system; Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months.

**Comment:**

IOSA being an internationally recognized audit standard, and in order to avoid an inflation of audits we support recognition of the IOSA audits as a mean to comply with this regulation, the same way that FAA does e.g..

IFQP (FUEL) DAQCP(DE-ICING) are Quality Audit Pooling System and should be recognized

**Proposal:**

1. A third party provider, using an internationally recognized evaluation system, ADD "such as IOSA", designed to assess the operational, management and control systems of the operator. Independence of the third party provider as well as the evaluation system used should be ensured.
2. Using an audit pooling system, ADD "such as IFQP and DAQCP;" Audits conducted under such pooling system may be credited provided the Community operator conducts an audit of the code share third country operator itself at least once every 24 months ADD "or measures in place to ensure acceptable quality levels".

comment 3786

comment by: IACA International Air Carrier Association

Following the FAA example and to promote international harmonisation, EASA shall recognise IOSA Registry as an acceptable means of compliance.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - AMC1  
OR.OPS.201.AOC Flight data monitoring - aeroplanes**

p. 71-73

comment 221

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.201.AOC(1): change as follows:

**1 The safety manager, should be accountable for the discovery of issues and the transmission of her/his report. It is the duty of the safety manager to identify safety issues from the FDM program and to transmit them** to the manager(s) responsible for the process(es) concerned.

The latter should be **accountable responsible** for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

Justification:

The use of the word "accountable" in this context is inappropriate.

comment 448

comment by: CAA-NL

Comment CAA-NL:

(1) The Agency should clarify the means of 'a reasonable time'.

comment

454

comment by: CAA-NL

Comment CAA-NL:

Typo: ad 1 "of hereof"

Typo: ad 3a "should searches"

comment

942

comment by: AEA

**Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned.

The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

NPA 2008-22(b) AMC to OR.GEN.200(a)(3) lists the responsibilities of the safety manager, this should be taken into account

**Proposal:**

take NPA 2008-22(b) AMC to OR.GEN.200(a)(3) responsibilities of the safety manager

comment

943

comment by: AEA

**Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned. The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

the word accountable is misleading with regards to the accountable managers. Post holders/managers are responsible for their field of work, but accountability is never used in this context, rather responsibility should be used.

**Proposal:** Accountable should be replace with '**responsible for**'.

comment

1645

comment by: TAP Portugal

**Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned.

The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

NPA 2008-22(b) AMC to OR.GEN.200(a)(3) lists the responsibilities of the safety manager, this should be taken into account

**Proposal:**

take NPA 2008-22(b) AMC to OR.GEN.200(a)(3) responsibilities of the safety manager

comment

1646

comment by: TAP Portugal

**Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned. The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

the word accountable is misleading with regards to the accountable managers. Post holders/managers are responsible for their field of work, but accountability is never used in this context, rather responsibility should be used.

**Proposal:** Accountable should be replace with '**responsible for**'.

comment

1661

comment by: The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly

**Comment:**

This AMC introduces the notion of a Safety Manager in a different manner than AMC2 to OR.GEN.200(a)(3).

**Proposal:**

Use the term "FDM Programme manager" to avoid confusion

comment

2156

comment by: AUSTRIAN Airlines

**Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned.

The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

NPA 2008-22(b) AMC to OR.GEN.200(a)(3) lists the responsibilities of the safety manager, this should be taken into account

**Proposal:**

take NPA 2008-22(b) AMC to OR.GEN.200(a)(3) responsibilities of the safety manager

comment

2157

comment by: *AUSTRIAN Airlines***Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned. The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

the word accountable is misleading with regards to the accountable managers. Post holders/managers are responsible for their field of work, but accountability is never used in this context, rather responsibility should be used.

**Proposal:** Accountable should be replace with '**responsible for**'.

comment

2446

comment by: *KLM***Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned.

The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

NPA 2008-22(b) AMC to OR.GEN.200(a)(3) lists the responsibilities of the safety manager, this should be taken into account

**Proposal:**

take NPA 2008-22(b) AMC to OR.GEN.200(a)(3) responsibilities of the safety manager

comment

2447

comment by: *KLM***Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned. The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

the word accountable is misleading with regards to the accountable managers. Post holders/managers are responsible for their field of work, but accountability is never used in this context, rather responsibility should be used.

**Proposal:** Accountable should be replace with '**responsible for**'.

comment 2637

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned.

The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

NPA 2008-22(b) AMC to OR.GEN.200(a)(3) lists the responsibilities of the safety manager, this should be taken into account

**Proposal:**

take NPA 2008-22(b) AMC to OR.GEN.200(a)(3) responsibilities of the safety manager

comment 2638

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned. The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

the word "accountable" is misleading with regards to the accountable managers. Post holders/managers are responsible for their field of work, but accountability is never used in this context, rather responsibility should be used.

**Proposal:** Accountable should be replaced with '**responsible for**'.

comment 3002

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

1 The safety manager, should be accountable for the discovery of issues and the transmission of hereof to the manager(s) responsible for the process(es) concerned.

The latter should be accountable for taking appropriate and practicable safety action within a reasonable period of time that reflects the severity of the issue.

**Comment:**

NPA 2008-22(b) AMC to OR.GEN.200(a)(3) lists the responsibilities of the safety manager, this should be taken into account

**Proposal:**

take NPA 2008-22(b) AMC to OR.GEN.200(a)(3) responsibilities of the safety manager

comment 3003

comment by: *Swiss International Airlines / Bruno Pfister*

comment

3599

comment by: *Ryanair***Comment**

Any proposed requirement to have the procedure document signed by flight crew member representatives nominated either by a union or the flight crew themselves creates the possibility for 'negotiations' on the access levels to this safety critical data. The management of the airline is ultimately responsible for the safe operation of its aircraft. The involvement of line personnel in approving protocols is inappropriate and can only be motivated by social rather than safety issues.

**Proposal**

The procedure document, ~~which should be signed by all parties (airline management, flight crew member representatives nominated either by the union or the flight crew themselves)~~ should, as a minimum, define:

comment

3787

comment by: *IACA International Air Carrier Association*

This AMC introduces the notion of a Safety Manager in a different manner than AMC2 to OR.GEN.200(a)(3). Proposal: Use the term "FDM Programme manager" to avoid confusion.

comment

3812

comment by: *IACA International Air Carrier Association*

This AMC introduces the notion of a Safety Manager in a different manner than AMC2 to OR.GEN.200(a)(3). We suggest using "FDM Programme manager" to avoid confusion.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - AMC2  
OR.OPS.201.AOC Flight data monitoring - aeroplanes**

p. 73-75

comment

222

comment by: *ECA - European Cockpit Association*

Comment on AMC2 OR.OPS.201.AOC:

accepted (coincides with App. ACJ OPS 1.037(a)(4))

comment

944

comment by: *AEA***Comment:**

The following table are meant to provide examples of FDM events and therefore should be Guidance Material instead of Acceptable Means of Compliance (AMC)

**Proposal:**

Downgrade this AMC to Guidance Material

comment

1647

comment by: *TAP Portugal***Comment:**

The following table are meant to provide examples of FDM events and therefore should be Guidance Material instead of Acceptable Means of Compliance (AMC)

**Proposal:**

Downgrade this AMC to Guidance Material

comment

2158

comment by: *AUSTRIAN Airlines***Comment:**

The following table are meant to provide examples of FDM events and therefore should be Guidance Material instead of Acceptable Means of Compliance (AMC)

**Proposal:**

Downgrade this AMC to Guidance Material

comment

2448

comment by: *KLM***Comment:**

The following table are meant to provide examples of FDM events and therefore should be Guidance Material instead of Acceptable Means of Compliance (AMC)

**Proposal:**

Downgrade this AMC to Guidance Material

comment

2639

comment by: *Deutsche Lufthansa AG***Comment:**

The following table are meant to provide examples of FDM events and therefore should be Guidance Material instead of Acceptable Means of Compliance (AMC)

**Proposal:**

Downgrade this AMC to Guidance Material

comment

3004

comment by: *Swiss International Airlines / Bruno Pfister***Comment:**

The following table are meant to provide examples of FDM events and therefore should be Guidance Material instead of Acceptable Means of Compliance (AMC)

**Proposal:**

Downgrade this AMC to Guidance Material

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - GM  
OR.OPS.201.AOC Flight data monitoring - aeroplanes**

p. 75

comment

166

comment by: *ECA - European Cockpit Association*

Comment on GM OR.OPS.201.AOC: change as follows:

FLIGHT SAFETY PROGRAMME

1 Guidance material for the establishment of a safety programme and Flight Data

Monitoring can be found in:

- a. ~~ICAO Doc 9422 (Accident Prevention Manual)~~ **ICAO 9859 Safety Management System Manual**; and
- b. ICAO Doc 9376 (Preparation of an Operational Manual).
- c. CAP 739.

Justification:

ICAO Doc 9422 (accident Prevention Manual) has been derogated and substituted by ICAO 9859 Safety Management System Manual.

comment 185 comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.201.AOC 1a. : change as follows:

- a. ICAO Doc ~~9422 (Accident Prevention Manual)~~ **9859 Safety Management Systems Manual**; and

Justification:

ICAO DOC 9859 replaces DOC 9422

comment 449 comment by: CAA-NL

Comment CAA-NL:

These doc's should be free available.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - AMC1 OR.OPS.210.AOC(a) Personnel requirements**

p. 75

comment 225 comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.210.AOC(a): paragraphs 2. and 3. shall be upgraded to IR (OR.OPS.210.AOC)

comment 1422 comment by: UK CAA

**Page No:** 75

**Paragraph No:**

AMC1 OR.OPS.210.AOC(a)

**Comment:** AMC 1 OR.OPS.210.AOC(a) states that a person may hold more than one of the nominated posts in certain circumstances. But there is nothing in the rule limiting the holding of more than one post so with what rule is this a means of compliance? The rest of this AMC also appears to be more appropriate as guidance.

comment 1663 comment by: The TUI Airlines group represented by Thomson

*Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**AMC1 OR.OPS.210.AOC(a) Personnel requirements  
NOMINATED POST HOLDERS**

**6**

**Proposal:**

The name Manager should be changed to Postholder to be consistent with OR.OPS.210.AOC(a)(4)

comment

3788

comment by: *IACA International Air Carrier Association*

6.

Replace "Manager" by "Postholder" to be consistent with OR.OPS.210.AOC(a)(4)

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - GM1  
OR.OPS.210.AOC(a) Personnel requirements**

p. 75

comment

3209

comment by: *IAOPA Europe*

It is positive that it is explicitly stated that for a small organization all nominated posts may be filled by the accountable manager but it is unacceptable to require audits conducted by an independent person, since this responsibility lies with the Authority.

This section relates to AOC holders and a similar statement should be made for non-commercial operators and here even more so there should be no requirement for external audits by an independent person. Through the declaration the operator will be subject to oversight from the Authority and this should be sufficient for a non-commercial operator. A requirement for an independent auditor will just drive up the costs.

Non commercial operators have been operating complex aircraft for many years without external supervision and according to EASAs own RIA has a safety record which is superior to that of air taxi operators operating equivalent aircraft. There is therefore no safety case for more costly regulation for this group of operators.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IV - GM2  
OR.OPS.210.AOC(a) Personnel requirements**

p. 76

comment

154

comment by: *EHOC*

Paragraph 3.

The text of the original permitted the Flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

Amend text of GM2 OR.OPS.320.AOC(a) to include "hold .or have held. a valid..."

- comment 168 comment by: *ECA - European Cockpit Association*  
 Comment on GM2 OR.OPS.210.AOC(a)(3): change as follows:  
 3 Flight Operations. The nominated post holder or his deputy should hold a valid Flight Crew Licence appropriate to the type of operation conducted under the Operator Certificate **and at least one of the type ratings of the aircraft used by the operator, which must be valid during his function as postholder. Furthermore, (s)he must be in possession of a valid medical certificate.**  
 Justification:  
 It is essential that a Flight operations postholder be an active pilot so that (s)he can be in permanent and direct contact with the reality of flight operations.
- comment 374 comment by: *Reto Ruesch*  
 OR Ops 210 AOC  
 Personnel requirements  
 The text of the original permitted the Flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.
- comment 450 comment by: *CAA-NL*  
 Comment CAA-NL:  
 The Agency should consider to write down the competence of the accountable manager as well
- comment 512 comment by: *Stefan Huber*  
 Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.
- comment 535 comment by: *Air Zermatt*  
 Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.
- comment 705 comment by: *Civil Aviation Authority of Norway*  
 Provided that Nominated Postholders shall be subject to acceptance by the Competent Authority, the provisions in GM2.OR.OPS.210.AOC (a) should be

adopted as AMC-material instead of GM.

comment 794 comment by: *Heli Gotthard AG Erstfeld*

OR Ops 210 AOC

Personnel requirements

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 837 comment by: *Berner Oberländer Helikopter AG BOHAG*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 935 comment by: *Heliswiss AG, Belp*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 945 comment by: *AEA*

**Relevant Text:**

2 Nominated post holders should have:

b. Comprehensive knowledge of:

i. **Community regulations** and any associated requirements and procedures

**Comment:**

The term community regulations seem to be very broad

**Proposal:**

Suggest to delete the reference to community regulations or be more specific i.e Community regulation structure

comment 946 comment by: *AEA*

**Relevant Text:**

6 Compliance monitoring. The nominated post holder should possess knowledge of the following:

- a. The Air Operator Certificate holder's safety policy;
- b. The concept of the compliance monitoring system;
- c. Management systems;
- d. Organisation manuals;
- e. Audit techniques; and
- f. Reporting and recording techniques.

**Comment:**

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Replace Compliance Monitoring by Quality manager

comment 973

comment by: *Heliswiss*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 997

comment by: *Heliswiss NV*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 1025

comment by: *Dirk Hatebur*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 1318

comment by: *Catherine Nussbaumer*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 1342

comment by: *Jan Brühlmann*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 1556

comment by: *Pascal DREER*

Personnel requirements : The text of the original permitted the flight

operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 1649

comment by: TAP Portugal

**Relevant Text:**

2 Nominated post holders should have:

- b. Comprehensive knowledge of:
  - i. **Community regulations** and any associated requirements and procedures

**Comment:**

The term community regulations seem to be very broad

**Proposal:**

Suggest to delete the reference to community regulations or be more specific i.e Community regulation structure

comment 1650

comment by: TAP Portugal

**Relevant Text:**

6 Compliance monitoring. The nominated post holder should possess knowledge of the following:

- a. The Air Operator Certificate holder's safety policy;
- b. The concept of the compliance monitoring system;
- c. Management systems;
- d. Organisation manuals;
- e. Audit techniques; and
- f. Reporting and recording techniques.

**Comment:**

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Replace Compliance Monitoring by Quality manager

comment 1731

comment by: REGA

JAR-OPS 3 required for Post Holder "flight operations" to "hold, or have held, a valid Flight Crew Licence". An experienced pilot, who has held but is not holding a valid Flight Crew Licence anymore could be an excellent and adequate Post Holder.

**Proposal**

Insert the original JAR-OPS 3 requirements for Post Holders.

comment 2159

comment by: AUSTRIAN Airlines

**Relevant Text:**

2 Nominated post holders should have:

- b. Comprehensive knowledge of:  
i. Community regulations and any associated requirements and procedures

**Comment:**

The term community regulations seem to be very broad

**Proposal:**

Suggest to delete the reference to community regulations or be more specific i.e Community regulation structure

comment

2161

comment by: *AUSTRIAN Airlines***Relevant Text:**

6 Compliance monitoring. The nominated post holder should possess knowledge of the following:

- a. The Air Operator Certificate holder's safety policy;
- b. The concept of the compliance monitoring system;
- c. Management systems;
- d. Organisation manuals;
- e. Audit techniques; and
- f. Reporting and recording techniques.

**Comment:**

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Replace Compliance Monitoring by Quality manager

comment

2224

comment by: *Christophe Baumann*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment

2247

comment by: *HDM Luftrettung gGmbH*

AMC.OR.OPS.210 AOC:

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment

2268

comment by: *Benedikt SCHLEGEL*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a

suspension of licence, from holding this post.

comment

2299

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

3 Flight Operations. The nominated post holder or his deputy should hold, **or have held, a Flight Crew** Licence appropriate to the type of operation conducted under the Operator Certificate.

comment

2449

comment by: *KLM***Relevant Text:**

2 Nominated post holders should have:

b. Comprehensive knowledge of:

i. **Community regulations** and any associated requirements and procedures

**Comment:**

The term community regulations seem to be very broad

**Proposal:**

Suggest to delete the reference to community regulations or be more specific i.e Community regulation structure

comment

2451

comment by: *KLM***Relevant Text:**

6 Compliance monitoring. The nominated post holder should possess knowledge of the following:

a. The Air Operator Certificate holder's safety policy;

b. The concept of the compliance monitoring system;

c. Management systems;

d. Organisation manuals;

e. Audit techniques; and

f. Reporting and recording techniques.

**Comment:**

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Replace Compliance Monitoring by Quality manager

comment

2641

comment by: *Deutsche Lufthansa AG***Relevant Text:**

2 Nominated post holders should have:

b. Comprehensive knowledge of:

i. **Community regulations** and any associated requirements and procedures

**Comment:**

The term "community regulations" seem to be very broad

**Proposal:**

Suggest to delete the reference to community regulations or be more specific i.e Community regulation structure, Community aviation regulations

comment

2642

comment by: *Deutsche Lufthansa AG***Relevant Text:**

6 Compliance monitoring. The nominated post holder should possess knowledge of the following:

- a. The Air Operator Certificate holder's safety policy;
- b. The concept of the compliance monitoring system;
- c. Management systems;
- d. Organisation manuals;
- e. Audit techniques; and
- f. Reporting and recording techniques.

**Comment:**

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Replace Compliance Monitoring by Quality manager

comment

2723

comment by: *Philipp Peterhans*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment

2838

comment by: *Ph. Walker*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment

3005

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

2 Nominated post holders should have:

- b. Comprehensive knowledge of:
  - i. **Community regulations** and any associated requirements and procedures

**Comment:**

The term community regulations seem to be very broad

**Proposal:**

Suggest to delete the reference to community regulations or be more specific i.e Community regulation structure

comment 3006 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

6 Compliance monitoring. The nominated post holder should possess knowledge of the following:

- a. The Air Operator Certificate holder's safety policy;
- b. The concept of the compliance monitoring system;
- c. Management systems;
- d. Organisation manuals;
- e. Audit techniques; and
- f. Reporting and recording techniques.

**Comment:**

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Replace Compliance Monitoring by Quality manager

comment 3110 comment by: *Virgin Atlantic Airways*

**Relevant Text:**

2 Nominated post holders should have:

- b. Comprehensive knowledge of:
  - i. Community regulations and any associated requirements and procedures

**Comment:**

The term community regulations seem to be very broad

**Proposal:**

Suggest to delete the reference to community regulations or be more specific i.e Community regulation structure or relevant community regulations

comment 3111 comment by: *Virgin Atlantic Airways*

**Relevant Text:**

6 Compliance monitoring. The nominated post holder should possess knowledge of the following:

- a. The Air Operator Certificate holder's safety policy;
- b. The concept of the compliance monitoring system;
- c. Management systems;
- d. Organisation manuals;
- e. Audit techniques; and
- f. Reporting and recording techniques.

**Comment:**

Compliance is only one aspect of quality. We therefore suggest to re-introduce the EU-OPS terminology of quality manager. The quality manager should not be one of the postholder and therefore the term postholder should be avoided for this function.

**Proposal:**

Replace Compliance Monitoring by Quality manager

- comment 3233 comment by: *Ryanair*
- (d) There is basis in safety and no requirement for nominated Post Holders to have appropriate management experience in a comparable organisation
- Proposal**  
Remove
- 
- comment 3257 comment by: *Hans MESSERLI*
- Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.
- 
- comment 3407 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*
- Comment**  
In comparison with EU-OPS 1.175, this GM does not mention a nominated postholder for maintenance system.
- 
- comment 3463 comment by: *Graham HALLETT*
- GM2 OR.OPS.210.AOC (a).
- This section has obviously been written with large organisations and more complex aircraft in mind and is completely inappropriate for most ballooning commercial activities.
- My interpretation of this NPA is that if a pilot receives some form of remuneration to fly a balloon with a sponsors logo on it (even without passengers) then this is a commercial operation and so will require him to be certificated. Are you seriously proposing that he then requires 5 years relevant work experience (clause 2e)? Are you seriously proposing that this same person requires an organisation which can employ its own type rating instructor (clause 4)? Who may not do a similar job for some other organisation with out the express approval of the authority (AMC 1 OR.OPS.210.AOC(a) 4)?
- This is preposterous and should be revised completely to reintroduce some sense of proportionality into the requirements.
- 
- comment 3485 comment by: *Trans Héli (pf)*
- Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 3590 comment by: *Heliswiss International*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 3728 comment by: *AIR FRANCE*

**Relevant Text:**

2 Nominated post holders should have:

b. Comprehensive knowledge of:

i. Community regulations and any associated requirements and procedures

**Comment:**

The term community regulations seem to be very broad

**Proposal:**

Suggest to delete the reference to community regulations or be more specific i.e Community regulation structure

comment 3748 comment by: *Christian Hölzle*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 3803 comment by: *Swiss Helicopter Group*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 3881 comment by: *Eliticino SA*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 4041 comment by: *ADAC Luftrettung GmbH*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

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OR.OPS.210.AOC(c) Personnel requirements**

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comment 569 comment by: *Air-Glaciers (pf)*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 875 comment by: *SHA (AS)*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

comment 1364 comment by: *Walter Mayer, Heliswiss*

Personnel requirements : The text of the original permitted the flight operations post holder to "hold, or have held, a valid Flight Crew Licence". The text has been amended to remove this clause. There is no justification for this as it will remove the ability to have a very experienced pilot, albeit with a suspension of licence, from holding this post.

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comment 1792 comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

needs specific rules for balloons

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter  
1**

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comment 3510 comment by: *SAS Scandinavian Airlines*

Paragraph No: OR.OPS.070.FC and AMC.OR.OPS.070.FC

**Comment:**

There does not appear, in the NPA 2009-02C OR.OPS and AMC.OR.OPS, any facility that allows training under an Alternative Training and Qualification Program as is possible in the current EU-OPS 1.978 Alternative Training and Qualification Program.

**Argument:**

EU-OPS is strictly defining the training program, both contents and intervals that Operators must follow for training and checking of Flight Crew. The rules have hardly been changed the last 10 years.

However, new technology, aircraft, navigation equipment, infrastructure and training aids have been continuously developed and this should somehow be included in the training and checking program.

Furthermore have investigations of accidents identified crews lack of skill(s) as a cause, or contributing factor. Studies into the matter are concluding that skill training is the single most important factor in the labour of further improving Flight Safety.

The one and only opportunity addressing these issues under the current regulations is via the EU-OPS 1.978 Alternative Training and Qualification Program.

SAS Scandinavian Airlines started implementing the ATQP 1st July 2008 and are on track for full transition into the ATQP from 1st January 2011. Experience so far is undeniably positive. Administrative tools have been developed enabling mapping of Flight Crew performance during training and checking, as well as in daily operations. These data are used in analyzing the effectiveness of the training program and for training program improvement.

An Operator can via the ATQP administer a wider spectre of training, focusing on specific skills or knowledge that the Flight Crew should master, equalling or increasing the overall Flight Crew performance compared with the performance obtained pre-ATQP. The ATQP enables SAS to fit the training needs of a 50 seat 20T turbo prop aircraft as well as a 260 seat 270T four engine wide body jet transport and optimize time and money spent on expensive Full Flight Simulators. The ability within the ATQP to fit the training needs of different aircraft types makes the ATQP unsurpassed as training and checking program compared to the traditional rule based training and checking program it is complementing.

Early versions of JAR-OPS had provisions for AQP, but lacked guidance for how the program should look like. This may very well be the reason for the European Operators reluctance towards the AQP and early version of the ATQP. Later revisions of JAR-OPS changed the AQP into ATQP and included appendixes, AMC/ACJ and IEM. The Operators now have the means for developing, under the supervision of the authorities, a functioning ATQP and a number of Operators throughout Europe have, and more are in the process.

Training performed under ATQP has a tremendous Safety Benefit to the Operators, as proven in their individual safety cases. The Operator must fulfil strict entry requirements before entering an ATQP, in example a Safety Case, Task Analysis, Feedback Loop and a FDM program. This ensures a standard not less than would be achieved under the requirements of OR.OPS, even when extending the validity periods of some of the requirements of OR.OPS, and replacing some OR.OPS regulated training and checking by valuable operator specific training for crews.

Most of the content in the current EU-OPS will be transported into the new EASA OPS. The Operators must rewrite their Operation Manuals according to the new EASA OPS structure, but the content is more or less the same. In this context is it regrettable that the provisions found in EU-OPS 1.978, according to the NPA is not planned transported into the EASA OPS. However, it seems that the Commission Opinion C(2009)3220 is addressing this shortcoming.

The NPA in its current version is effectively shutting down all ATQP implemented throughout Europe without offering solutions on how such a superior training program can run under the new EASA OPS.

SAS Scandinavian Airlines is therefore suggesting that the ATQP shall be continued as an option for Operators for administering Flight Crew training and checking via transportation of the complete EU-OPS 1.978 text, including appendix, into the EASA OPS.

**Proposed Text** (if applicable):

## OR.OPS.070.FC Alternative Training and Qualification Program

(a) An operator, following a minimum of two years continuous operations, may substitute the training and checking requirements for flight crew specified in OR.OPS by an Alternative Training and Qualification Programme (ATQP) approved by the Competent Authority. The two years continuous operations may be reduced at the discretion of the Competent Authority.

(b) The ATQP must contain training and checking which establishes and maintains a level of proficiency demonstrated to be at least not less than the level of proficiency achieved by following the provisions of OR.OPS. The standard of flight crew training and qualification shall be established prior to the introduction of ATQP; the required ATQP training and qualification standards shall also be specified.

(c) An operator applying for approval to implement an ATQP shall provide the Competent Authority with an implementation plan.

(d) In addition to the checks required by OR.OPS an operator shall ensure that each flight crew member undergoes a Line Orientated Evaluation (LOE).

(1) The Line Orientated Evaluation (LOE) shall be conducted in a simulator. The LOE may be undertaken with other approved ATQP training.

(2) The period of validity of an LOE shall be 12 calendar months, in addition to the remainder of the month of issue. If issued within the final 3 calendar months of validity of a previous LOE the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous LOE.

(e) After 2 years of operating within an approved ATQP an operator may, with the

approval of the Authority, extend the periods of validity as defined in OR.OPS as

follows:

(1) Operator proficiency check - 12 calendar months in addition to the remainder of the month of issue. If issued within the final 3 calendar months of validity of a previous operator proficiency check, the period of validity shall extend from the date of issue until 12 calendar months from the expiry date of that previous operator proficiency check.

(2) Line Check - 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous line check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous line check. The line check may be combined with a Line Oriented Quality Evaluation (LOQE) with the approval of the Competent Authority.

(3) Emergency and Safety equipment checking – 24 calendar months in addition to the remainder of the month of issue. If issued within the final 6 calendar months of validity of a previous check, the period of validity shall extend from the date of issue until 24 calendar months from the expiry date of that previous check.

(f) The ATQP shall be the responsibility of a nominated post holder.

## AMC.OR.OPS.070.FC Alternative Training and Qualification Program

(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:

(1) Low Visibility Operations – Training and Qualifications

(2) Conversion training and checking

(3) Differences training and familiarisation training

- (4) Nomination as commander
- (5) Recurrent training and checking
- (6) Pilot qualification to operate in either pilots seat
- (7) Operation on more than one type or variant

(b) Components of the ATQP - An Alternative Training and Qualification Programme

shall comprise the following:

- (1) Documentation that details the scope and requirements of the programme;
- (2) A task analysis to determine the tasks to be analysed in terms of:
  - (i) knowledge;
  - (ii) the required skills;
  - (iii) the associated skill based training; and
  - (iv) where appropriate, the validated behavioural markers.
- (3) Curricula – the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Competent Authority;
- (4) A specific training programme for:
  - (i) each aeroplane type/class within the ATQP;
  - (ii) the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating - CRI/SFI/TRI), and other personnel undertaking flight crew instruction;
  - (iii) the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner - CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;
- (5) A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;
- (6) A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OR.OPS;
- (7) An integrated system of quality control, that ensures compliance with all the requirements, processes and procedures of the programme;
- (8) A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew; and
- (9) A Data Monitoring/Analysis programme.

(c) Implementation - The operator shall develop an evaluation and implementation strategy acceptable to the Authority; the following requirements shall be fulfilled:

- (1) The implementation process shall include the following stages:
  - (i) A safety case that substantiates the validity of:
    - (A) The revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.
    - (B) Any new training methods implemented as part of ATQP.
 If approved by the Competent Authority the operator may establish an equivalent method other than a formal safety case.
  - (ii) Undertake a task analysis as required by paragraph (b)(2) above in order to establish the operator's programme of targeted training and the associated training objectives;
  - (iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the Competent Authority;

(2) The operator may then be approved to conduct training and qualification as specified under the ATQP.

If the proposed text to an OR.OPS.070.FC Alternative Training and Qualification Program and AMC.OR.OPS.070.FC Alternative Training and Qualification Program is not feasible, SAS Scandinavian Airlines would like two things:

- An EASA defined ATQP structure
- An ability to vary the validity periods of the OPC, Line Check and Emergency/Safety Checks as per EU-OPS 1.978 Alternative Training and Qualification Program

SAS Scandinavian Airlines do not want to lose the benefits the company has gained by implementing the EU-OPS ATQP. The ability to vary the periods of validity is fundamental to this. SAS Scandinavian Airlines is also concerned that the only way to achieve an ATQP under EASA OPS is by an Alternative Means of Compliance.

SAS Scandinavian Airlines is sincerely hoping that EASA will consider this comment thoroughly. Training under ATQP is superior to traditional training and SAS Scandinavian Airlines would like to exploit the opportunities in the program further, not abandon the ATQP as the NPA is suggesting.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 1 - AMC OR.OPS.015.FC (d) Composition of flight crew**

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comment

132

comment by: Rega / Swiss Air-Ambulance

**AMC OR.OPS.015.FC (d) Composition of flight crew**

**Preface:**

It is the opinion of Swiss Air Ambulance that the proposed paragraph AMC OR.OPS.015.FC (d) 1 for "relieving the pilot-in-command" is influenced by unknown unions who try with the under the above mentioned NPA paragraph to upgrade more co-pilots to pilots-in-command.

Beside Swiss Air Ambulance hundreds of airlines and corporate operators within Europe and worldwide established during the past decades safe and well respected procedures as proposed/commented below for the relieve of the pilot-in-command by experienced co-pilots.

**Scope:**

Relieving of flight crew members above Flight Level (FL) 200.

**Text to be added/altered:**

IN-FLIGHT RELIEF OF FLIGHT CREW MEMBERS - AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1. The pilot-in-command may delegate the conduct of the flight to another qualified pilot **above FL200** provided the relieving **pilot:**

a. holds the appropriate type or class rating;

b. meets the applicable recent experience requirements for **pilots as specified in FCL.060 (b)(1)**

**c. holds a valid Airline Transport Pilot Licence**

**d. has the route competence qualification according O R.OPS.020.FC (b)(2)(ii)**

**e. meets any other requirements which the operator may have established for that purpose.**

**Proof:**

The under the existing NPA "AMC OR.OPS.015.FC (d) Composition of flight crew" proposed text allows only a pilot-in-command to relieve another pilot-in-command and will -with no gain in safety- jeopardize the continuity of Swiss Air Ambulance's jet Aeroplane Emergency Medical Service (AEMS) operations.  
Reason:

- It is economically not bearable to upgrade all co-pilots to pilots-in-command to relieve other pilots-in-command

**Background:**

Swiss Air Ambulance is a subsidiary of Rega, Switzerland's national air-rescue organisation, which was founded in 1952. Swiss Air Ambulance can draw on decades of experience and the expertise of professional teams to provide competent, comprehensive assistance in the event of medical emergencies all over the world operating besides 13 dedicated HEMS helicopters 3 dedicated Bombardier CL-604 "Challenger" ambulance jets with a range of 3'500 NM. Its services range from providing medical advice to repatriating patients to/from Switzerland or any other point of the world. Swiss air-ambulance is a private, non-profit organisation, which operates in accordance with the guiding principles of the Red Cross. It comes to the aid of people in distress, without respect of their nationality, religious convections or social status. Swiss air-ambulance operates under the Air Operator Certificate CH-AOC-No.1015 issued by the Federal Office of Civil Aviation Switzerland (FOCA) and is compliant with EU-OPS. Please visit [www.rega.ch](http://www.rega.ch)

comment

200

comment by: *ECA - European Cockpit Association*

Comment on AMC OR.OPS.015.FC (d)(4): change as follows:

4 A ~~system panel operator~~ **flight engineer** may be relieved in flight by a crew member suitably qualified in accordance with applicable national rules.

Justification:

The title flight engineer is used in other parts of OR-OPS.

There is no such thing as a System panel operator station or license.

comment

385

comment by: *Condor Flugdienst GmbH - FRA HO/R*

Referring to AMC OR.OPS.015.FC(d): We, Condor Flugdienst GmbH, suggest to change the wording of the introductory sentence of paragraph 1 as follows:

The pilot-in-command may delegate the conduct of the flight to another qualified pilot  
provided that the relieving pilot: ...."

**Reason:** only one pilot-in-command on board, the relieving pilot will not function as PIC!

comment

418

comment by: *CAA-NL*

Comment regarding:

3.1 For commercial air transport operations in the cruise phase of flight when operating above FL200 the minimum requirements for a cruise relief copilot include:

- a. holding a valid commercial pilot licence with an instrument rating and the appropriate type or class rating; and
- b. having undergone conversion and recurrent training and checking in accordance with the applicable requirements.

Comment CAA-NL:

No info regarding to take-off and landing requirements

And

No recency requirements as mentioned. apdx 1 to OPS 1940 (c)(5)

Reason:

Not in line with OPS

comment

425

comment by: CAA-NL

Comment regarding:

1 The pilot-in-command may delegate the conduct of the flight to another qualified pilot provided the relieving pilotincommand:

- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

Suggestion CAA-NL:

Change ...provided the relieving pilotincommand...

Into

...provided the relieving pilot...

Delete

...command course...

Add FL200.

Reason

Not in line with EU-OPS, is significate change, compared to the current situation. If pilot hold a ATPL, he is already qualified as pilot-in-command for that a/c. He may not be qualified as commander for the company, but that is a different issue.

comment

426

comment by: CAA-NL

Comment regarding:

2 The copilot

may be relieved for the conduct of the flight by another qualified pilot provided that the relieving pilot:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for copilots as specified in FCL.060; and
- c. meets any other requirements which the operator may have established for that purpose.

Suggestion CAa-NL:

Change

- b. meets the applicable recent experience requirements for copilots as specified

in FCL.060;

into

recent exp. as described in ... is not required, the pilot hower shall carry flight simulator recency and refresher training at intervals not exc. 90 days. This etc. see EU-OPS apdx 1 to 1.940.

Reason:

In line with EU-OPS

comment

650 ❖

comment by: AEA

**Section:**

OR.OPS.020. Designation as Pilot-in-Command  
and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew member of his duties at the controls in flight in the following cases:

1 The pilot in command

may delegate the conduct of the flight to another qualified pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

1013

comment by: AEA

**Relevant Text:**

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

**Comment:**

The requirement for a command course does imply the need for multiple commanders on every flight. E.g. long haul flights forced to be operated with multiple commanders only i.s.o one commander and two first officers.

Current EU-OPS rules are less demanding.

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

Revert to EU-OPS principle where a Rating and ATPL was required to relieve the commander.

Delete command course requirement.

comment

1021

comment by: AEA

**Relevant Text:**

3.1 For commercial air transport operations in the cruise phase of flight when operating above FL200 the minimum requirements for a cruise relief copilot include:

- a. holding a valid commercial pilot licence with an instrument rating and the

appropriate type or class rating; and

**Comment:**

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

Conflicting with Appendix EU-OPS 1.940, reinstate this article.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

(e) Minimum requirements for cruise relief co-pilot:

1. valid Commercial Pilot Licence with instrument rating;
2. conversion training and checking, including type rating training, as prescribed in OPS 1.945 except the requirement for take-off and landing training;
3. all recurrent training and checking as prescribed in OPS 1.965 except the requirement for take-off and landing training; and
4. to operate in the role of co-pilot in the cruise only and not below FL 200.
5. recent experience as prescribed in OPS 1.970 is not required. The pilot shall, however, carry out flight simulator recency and refresher flying skill training at intervals not exceeding 90 days. This refresher training may be combined with the training prescribed in OPS 1.965.

comment

1237

comment by: *Austro Control GmbH*

Delete command course in 1 c.

Justification: according EU-OPS it is possible to relief a commander (now PIC) by qualified pilot which was an operational need by operators and accepted by national Authorities without any risks and problems.

comment

1423

comment by: *UK CAA*

**Page No:** 77

**Paragraph No:**

AMC OR.OPS.015.FC (d)

**Comment:**

Para 1 c. relevant qualifications. The relief pilot should only need to be qualified as PIC.

**Justification:**

Experience levels are over restrictive and Command course requirements are excessive.

**Proposed Text (if applicable):** remove reference to 'command course'

comment

1651

comment by: TAP Portugal

**Relevant Text:**

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

**Comment:**

The requirement for a command course does imply the need for multiple commanders on every flight. E.g. long haul flights forced to be operated with multiple commanders only i.s.o one commander and two first officers.

Current EU-OPS rules are less demanding.

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

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- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

Revert to EU-OPS principle where a Rating and ATPL was required to relieve the commander.

Delete command course requirement.

comment

1652

comment by: TAP Portugal

**Relevant Text:**

3.1 For commercial air transport operations in the cruise phase of flight when operating above FL200 the minimum requirements for a cruise relief copilot include:

- a. holding a valid commercial pilot licence with an instrument rating and the appropriate type or class rating; and

**Comment:**

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

Conflicting with Appendix EU-OPS 1.940, reinstate this article.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

(e) Minimum requirements for cruise relief co-pilot:

1. valid Commercial Pilot Licence with instrument rating;
2. conversion training and checking, including type rating training, as prescribed in OPS 1.945 except the requirement for take-off and landing training;
3. all recurrent training and checking as prescribed in OPS 1.965 except the requirement for take-off and landing training; and
4. to operate in the role of co-pilot in the cruise only and not below FL 200.
5. recent experience as prescribed in OPS 1.970 is not required. The pilot shall, however, carry out flight simulator recency and refresher flying skill training at intervals not exceeding 90 days. This refresher training may be combined with the training prescribed in OPS 1.965.

comment

1846

comment by: Boeing

**NPA 2009-02c, Part OR (Subpart OPS)**

AMC.OR.OPS.015.FC(d), Composition of flight crew

Para 1.

Page 77 of 136

**BOEING COMMENT:**

By specifying that a flight crew member needs to meet the requirements of sub-paragraphs 1.a. through 1.d. of this section, it appears that the Agency will require operators to have in-flight relief for the Pilot-in-Command only by another Captain. We recommend that this be eliminated, and replaced with wording consistent with current requirements in EU-OPS.

**JUSTIFICATION:** As worded in the NPA text, this exceeds current requirements, has no safety justification, and will have a huge impact on costs for community operators.

comment

2062 ❖

comment by: AUSTRIAN Airlines

**Section:**

OR.OPS.020. Designation as Pilot-in-Command

and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew

member of his duties at the controls in flight in the following cases:

1 The pilot in command

may delegate the conduct of the flight to another qualified

pilot provided the relieving pilot in command:

a. holds the appropriate type or class rating;

b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

2162

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

**Comment:**

The requirement for a command course does imply the need for multiple commanders on every flight. E.g. long haul flights forced to be operated with multiple commanders only i.s.o one commander and two first officers. Current EU-OPS rules are less demanding.

Under the current system of the EU-OPS there's a possibility to relieve a

function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015

- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

Revert to EU-OPS principle where a Rating and ATPL was required to relieve the commander.

Delete command course requirement.

comment

2163

comment by: *AUSTRIAN Airlines***Relevant Text:**

3.1 For commercial air transport operations in the cruise phase of flight when operating above FL200 the minimum requirements for a cruise relief copilot include:

- a. holding a valid commercial pilot licence with an instrument rating and the appropriate type or class rating; and

**Comment:**

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

Conflicting with Appendix EU-OPS 1.940, reinstate this article.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

(e) Minimum requirements for cruise relief co-pilot:

1. valid Commercial Pilot Licence with instrument rating;
2. conversion training and checking, including type rating training, as prescribed in OPS 1.945 except the requirement for take-off and landing training;
3. all recurrent training and checking as prescribed in OPS 1.965 except the requirement for take-off and landing training; and
4. to operate in the role of co-pilot in the cruise only and not below FL 200.
5. recent experience as prescribed in OPS 1.970 is not required. The pilot shall, however, carry out flight simulator recency and refresher flying skill training at intervals not exceeding 90 days. This refresher training may be combined with the training prescribed in OPS 1.965.

comment

2358

comment by: *KLM***Section:**

OR.OPS.020. Designation as Pilot-in-Command

and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew

member of his duties at the controls in flight in the following cases:

1 The pilot in command

may delegate the conduct of the flight to another qualified

pilot provided the relieving pilot in command:

a. holds the appropriate type or class rating;

b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided

by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

**Relevant Text:**

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

**Comment:**

The requirement for a command course does imply the need for multiple commanders on every flight. E.g. long haul flights forced to be operated with multiple commanders only i.s.o one commander and two first officers. Current EU-OPS rules are less demanding.

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

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- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

Revert to EU-OPS principle where a Rating and ATPL was required to relieve the commander.

Delete command course requirement.

comment

2454

comment by: KLM

**Relevant Text:**

3.1 For commercial air transport operations in the cruise phase of flight when operating above FL200 the minimum requirements for a cruise relief copilot include:

- a. holding a valid commercial pilot licence with an instrument rating and the appropriate type or class rating; and

**Comment:**

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

Conflicting with Appendix EU-OPS 1.940, reinstate this article.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

(e) Minimum requirements for cruise relief co-pilot:

1. valid Commercial Pilot Licence with instrument rating;
2. conversion training and checking, including type rating training, as

prescribed in OPS 1.945 except the requirement for take-off and landing training;

3. all recurrent training and checking as prescribed in OPS 1.965 except the requirement for take-off and landing training; and
4. to operate in the role of co-pilot in the cruise only and not below FL 200.
5. recent experience as prescribed in OPS 1.970 is not required. The pilot shall, however, carry out flight simulator recency and refresher flying skill training at intervals not exceeding 90 days. This refresher training may be combined with the training prescribed in OPS 1.965.

comment

2515 ❖

comment by: *British Airways Flight Operations***Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew

member of his duties at the controls in flight in the following cases:

1 The pilot in command

may delegate the conduct of the flight to another qualified

pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided

by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members, which allows the PIC to be relieved by another suitably-qualified flight crew member (who does not need to be a Commander) above FL200. Generally, the only pilots who have completed command courses are captains. This proposal would seem to imply that command courses will be

more widely required, which is unacceptable.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2536 ❖

comment by: *Deutsche Lufthansa AG*

**Elements:**

OR.OPS.020. Designation as Pilot-in-Command  
and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

**AMC OR.OPS.015.FC** (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew

member of his duties at the controls in flight in the following cases:

1 The pilot in command

may delegate the conduct of the flight to another qualified

pilot provided the relieving pilot in command:

- a. holds the appropriate type or class rating;
- b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;
- c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and
- d. meets any other requirements which the operator may have established for that purpose.

And from **OR.OPS.020.FC** to which it refers in sub para (c):

**OR.OPS.020.FC** Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities

and procedures to be used;  
 (3) in the case of multicrew operations, has completed a command course provided by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

2643

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

**Comment:**

The requirement for a command course does imply the need for multiple commanders on every flight. E.g. long haul flights forced to be operated with multiple commanders only i.s.o one commander and two first officers.

Current EU-OPS rules are less demanding.

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

Revert to EU-OPS principle where a Rating and ATPL was required to relieve the commander.

Delete command course requirement.

comment

2644

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

3.1 For commercial air transport operations in the cruise phase of flight when

operating above FL200 the minimum requirements for a cruise relief copilot include:

a. holding a valid commercial pilot licence with an instrument rating and the appropriate type or class rating; and

**Comment:**

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

Conflicting with Appendix EU-OPS 1.940, reinstate this article.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

(e) Minimum requirements for cruise relief co-pilot:

1. valid Commercial Pilot Licence with instrument rating;

2. conversion training and checking, including type rating training, as prescribed in OPS 1.945 except the requirement for take-off and landing training;

3. all recurrent training and checking as prescribed in OPS 1.965 except the requirement for take-off and landing training; and

4. to operate in the role of co-pilot in the cruise only and not below FL 200.

5. recent experience as prescribed in OPS 1.970 is not required. The pilot shall, however, carry out flight simulator recency and refresher flying skill training at intervals not exceeding 90 days. This refresher training may be combined with the training prescribed in OPS 1.965.

comment

2812

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

**AMC OR.OPS.015.FC (d) Composition of flight crew**

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

....

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, **command course**, competence regarding area, route, aerodrome, facilities and procedures; and

**Comment**

The inclusion of command course is a considerable and unjustified deviation from the requirements of EU-OPS effectively prohibiting the long standing, widely used and safe practice of using First Officers who meet the requirements of Appendix 1 to OPS 1.940 to relieve the Pilot-in-command.

**Proposal:**

Reinstate the requirements as per EU-OPS Appendix 1 to EU-OPS 1.940

comment

2892

comment by: *Swiss International Airlines / Bruno Pfister*

**Section:**

OR.OPS.020. Designation as Pilot-in-Command  
and

AMC.OR.OPS.015 FC (d) Composition of flight crew (In-Flight Relief of Flight Crew Members)

**Relevant Text:**

AMC OR.OPS.015.FC (d) Composition of flight crew

INFLIGHT RELIEF OF FLIGHT CREW MEMBERS AEROPLANES

A flight crew member should be considered suitably qualified to relieve another flight crew

member of his duties at the controls in flight in the following cases:

1 The pilot in command

may delegate the conduct of the flight to another qualified

pilot provided the relieving pilot in command:

a. holds the appropriate type or class rating;

b. meets the applicable recent experience requirements for pilots in command as specified in FCL.060;

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

d. meets any other requirements which the operator may have established for that purpose.

And from OR.OPS.020.FC to which it refers in sub para (c):

OR.OPS.020.FC Designation as pilot in command

(a) One pilot amongst the flight crew shall be designated by the operator as pilot in command:

(b) The operator shall only designate a flight crew member to act as pilot in command:

if

he/she:

(1) complies with the minimum level of experience specified in the Operations Manual;

(2) except in the case of balloons:

(i) has adequate knowledge of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(ii) in the case of commercial operations, has had experience within the last 12 months of the route or area to be flown and of the aerodromes, facilities and procedures to be used;

(3) in the case of multicrew

operations, has completed a command course provided

by the operator, as specified in the Operations Manual;

**Comment:**

The requirement in OR.OPS.020.FC (3) (to have completed a command course) is far more restrictive than the corresponding EU-OPS paragraph on in-flight relief of flight crew members which allows the PIC to be relieved by another suitable qualified flight crew member which does not need to be a Commander above FL200.

This EASA proposal, which is not line with EU-OPS. neglects decades of safe operations based on the existing rules. It has no safety justification and would lead to an unacceptable increase in crew cost. It will lead to business shifting to non-EU airlines.

**Proposal:**

Realign the in-flight relief requirements for flight crew with the provisions of

EU-OPS (Appendix 1 to EU-OPS.1.940) through a simple copy and paste of the EU-OPS provisions into the corresponding EASA Implementing Rules

comment

3007

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

**Comment:**

The requirement for a command course does imply the need for multiple commanders on every flight. E.g. long haul flights forced to be operated with multiple commanders only i.s.o one commander and two first officers.

Current EU-OPS rules are less demanding.

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions exercised on the aircraft

**Proposal:**

Revert to EU-OPS principle where a Rating and ATPL was required to relieve the commander.

Delete command course requirement.

comment

3008

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

3.1 For commercial air transport operations in the cruise phase of flight when operating above FL200 the minimum requirements for a cruise relief copilot include:

a. holding a valid commercial pilot licence with an instrument rating and the appropriate type or class rating; and

**Comment:**

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

Conflicting with Appendix EU-OPS 1.940, reinstate this article.

The Basic Regulation (BR) allows for issuing a limited licence, including limited training and checking;

- Basic Regulation (BR) Article 7 gives room for pilot with a limitation, translated into FCL.015
- BR) Annex III, Article 1d Practical skill explicitly states; if appropriate to the functions exercised on the aircraft
- BR) Annex III, Article 1.e explicitly states; appropriate to the functions

exercised on the aircraft

**Proposal:**

(e) Minimum requirements for cruise relief co-pilot:

1. valid Commercial Pilot Licence with instrument rating;
2. conversion training and checking, including type rating training, as prescribed in OPS 1.945 except the requirement for take-off and landing training;
3. all recurrent training and checking as prescribed in OPS 1.965 except the requirement for take-off and landing training; and
4. to operate in the role of co-pilot in the cruise only and not below FL 200.
5. recent experience as prescribed in OPS 1.970 is not required. The pilot shall, however, carry out flight simulator recency and refresher flying skill training at intervals not exceeding 90 days. This refresher training may be combined with the training prescribed in OPS 1.965.

comment

3106

comment by: ERA

**European Regions Airline Association Comment**

OPS 1.978 and its Appendix 1 describe the way an Alternative Training and Qualification Program (ATQP) can be approved. They are the result of extensive discussions in the past.

EASA has not reproduced this article nor its Appendix on the grounds of the "built-in" possibility to change any AMC.

ERA acknowledge such possibility, however, the wording of 1.978 and its Appendix could usefully be reproduced in GM as an indication on how to have an AMC approved on that subject. Such incorporation would avoid losing track of OPS 1.978 and its Appendix

comment

3205

comment by: DGAC

**(1)(c) :**

The PIC can only delegate to a PIC, including above FL200. This, besides making a huge difference from the provisions contained in EU-OPS though EASA had proclaimed that there would only be differences in the structure, not in the content of the rules applicable to CAT, raises unanswered questions :

- Who has the legal responsibility on board between the two captains?
- Why is it necessary to have a second captain when a co pilot can perform the job?
- Why is this important information shrouded in an AMC?

comment

3438

comment by: UK CAA

**Page No:** 77

**Paragraph No:**

AMC OR.OPS.015.FC (d) 4

**Comment:**

The term "system panel operator" is not defined but is assumed to mean a

qualified pilot trained to operate the panel and is required where the Flight Manual specifies three pilots. A Flight Engineer requires a separate and specific licence and is required when the Flight Manual specifies two pilots and a flight engineer. The term "Flight Engineer" is recognised and used in OR.OPS.025.FC but has no supporting guidance as this is delegated to the National Authority. "System panel operator" is used extensively throughout the AMC material in this NPA but not referenced within the Implementation Rules.

Clarification is required to differentiate between the two terms.

**Justification:**

Consistency through the document.

**Proposed Text (if applicable):** Include an additional paragraph in the rule, similar to that for the Flight Engineer, delegating requirements to the National Authority. Delete the guidance and AMC's relating to the System Panel Operator.

comment

3507

comment by: IATA

3.1 For commercial air transport operations in the cruise phase of flight when operating above FL200 the minimum requirements for a cruise relief copilot include:

- a. holding a valid commercial pilot licence with an instrument rating and the appropriate type or class rating; and
- b. having undergone conversion and recurrent training and checking in accordance with the applicable requirements.

**Comment:**

Under the current system of the EU-OPS there's a possibility to relieve a function above FL200 with less demanding qualifications. The current system has been used for many years and there's no evidence that this poses a safety risk.

**Proposal:**

This possibility should be reinstated.

comment

3730

comment by: AIR FRANCE

**Relevant Text:**

c. meets the relevant qualifications prescribed in OR.OPS.020.FC, such as minimum level of experience, command course, competence regarding area, route, aerodrome, facilities and procedures; and

**Comment:**

Sere comments on this matter on OR.OPS.020.FC appropriate to the functions exercised on the aircraft

**Proposal:**

Revert to EU-OPS principle.

comment

3789

comment by: IACA International Air Carrier Association

1.  
IACA suggests to change the wording of the introductory sentence of paragraph 1 as follows:  
The pilot-in-command may delegate the conduct of the flight to another qualified pilot provided that the relieving pilot: ...."  
Reason: only one pilot-in-command on board, the relieving pilot will not function as PIC.

comment 3802 comment by: *IACA International Air Carrier Association*

1.  
The AMC should clarify that there is only one pilot-in-command, who retains the final decision during the entire flight, even while relieved by another pilot (e.g. cruise relief captain) for the conduct of the flight.  
The pilot-in-command status is not related to pilot-flying/pilot-non-flying, but identifies the flight crew member as being the "final authority" on board.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 1 - GM OR.OPS.015.FC Composition of flight crew**

p. 77

comment 853 comment by: *ECA - European Cockpit Association*

Comment on GM OR.OPS.015.FC: Upgrade text to IR (OR.OPS.015.FC) and change as follows:

1 When engaging the services of flight crew members who are self-employed and/or working on a freelance or part-time basis, the operator **should shall** pay special attention to the requirements of this section and the relevant elements of Part FCL, such as recent experience requirements.

2 Particular attention **should shall** be paid to the total number of aircraft types or variants that a flight crew member may fly for the purposes of commercial air transportation, which **should shall** not exceed the requirements prescribed in OR.OPS.055.FC, and in OR.OPS.155.FC in the case of commercial air transport.

comment 1796 comment by: *Airbus*

**GM OR.OPS.015.FC Composition of flight crew**

2 Particular attention should be paid to the total number of aircraft types or variants that a flight crew member may fly for the purposes of commercial air transportation, which should not exceed the requirements prescribed in OR.OPS.055.FC, and in OR.OPS.155.FC in the case of commercial air transport operations, including when his/her services are engaged by another operator.

**Comment:** OR.OPS.055.FC does NOT include requirements for the total number of aircraft types. The only limitation that appears under OR.OPS.155.FC concerns limitation for a flight crew member operating both helicopter and aeroplane.

**Proposal :**to amend the text by deleting reference to OR.OPS.055.FC.

comment 2746 comment by: CAA CZ  
**AMC OR.OPS.015.FC(d):** The usage of flight engineer (as required in OR. OPS.025.FC) instead of system panel operator is recommended.

comment 3439 comment by: UK CAA  
**Page No:** 77  
**Paragraph No:**  
 GM OR.OPS.015.FC  
**Comment:**  
 The subject of the GM is the use of "Freelance and/or Part-time" pilots within the Composition of flight crew context. It would be easy to miss this guidance unless the subject was contained in the title.  
**Justification:** Ease of future reference.  
**Proposed Text (if applicable):**  
 Amend title to read "Composition of flight crew – *Freelance or Part-time*"

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 1 - AMC OR.OPS.020.FC (b)(2) Nomination as pilot-in-command** p. 78-79

comment 766 comment by: *claire.amos*  
 Needs to be reviewed against current OM stipulated requirement

comment 1424 comment by: UK CAA  
**Page No:** 78  
**Paragraph No:**  
 AMC OR.OPS.020.FC (b)(2) Nomination as PIC para 2.1  
**Comment:**  
 Aerodrome competence training should also include ground movement considerations.  
**Justification:**  
 This is part of Runway Incursion risk management.  
**Proposed Text (if applicable):**  
 add the words 'ground movement considerations'.

comment 3009 comment by: *Swiss International Airlines / Bruno Pfister*  
**Relevant Text:**  
 1. Pilot-in-command whose duties require them to operate in either seat...  
 ..  
 5. A pilot other than the pilot-in-command occupying the pilot in command seat...

**Comment:**

Training is only related to take off and landing. Therefore this AMC does not provide for legal certainty.

The terminology 'pilot in command seat' is not defined.

**Proposal:**

Add 'below FL200' to point 1 and point 5.

comment 3104

comment by: ERA

**European Regions Airline Association Comment**

The provisions in 3 b – requiring a visit or simulator training , presumably at 12 months intervals – are particularly difficult for operators to comply with, because it reduces flexibility and carries additional costs without a direct safety value added. This is because that such a visit every 12 months does not necessarily provide the pilot-in-command with the knowledge and skills to operate at airports that require additional considerations under circumstances other than those actually encountered during the visit. The industry had earlier raised this issue vis-à-vis JAA, suggesting that programmed instruction may fulfil the requirement.

An alternative for operators would be to categorize all aerodromes that do not qualify as category A, as category B aerodromes. This would not formally constitute lack of compliance inasmuch as 'additional considerations' for category C aerodromes are not defined. However, from an operational perspective it does make good sense to have a category for the most challenging aerodromes. It should, however, be possible for an operator to establish an alternative means of compliance for currency for pilots-in-command for such aerodromes. One system that could be employed would include an explicit scheme for assessment of relative difficulty of operation, for example with basis in FSF CFIT checklist. Based on the risk factor, the aerodromes are categorized, possibly with higher differentiation than categories A, B and C. An operator may also want to specify and define the 'additional considerations' that require special release. An operator may introduce programmed instruction in the form of aerodrome briefing pages or CBT multimedia briefings, as well as simulator training which may be of a generic nature for types of operation that are unique to a subset of the most difficult aerodromes, e.g. increased bank during climb-out. An operator may require a visit for initial release, and programmed instruction for recurrency.

It is therefore suggested that AMC OR.OPS.020 FC(b)(2) either be presented as GM instead of AMC, or that the AMC is reworded, or that the AMC is supplemented by an AMC2. Specifically, the following is proposed:

Current AMC is reclassified as GM

Current AMC is amended as follows:

3 b: (Prior to operating to) a Category C aerodrome, the pilot-in-command should be briefed, or self-briefed, by means of programmed instruction, including CBT detailing the operating characteristics of that particular aerodrome. If possible, this may be supplemented by a visit to the aerodrome under supervision of a check pilot or instructor pilot, or instruction in a Flight Simulator. The briefing, and visit and/or simulator training when applicable, should be recorded.

Current AMC is renamed AMC1 and a new AMC2 is introduced as follows:  
 Verbatim identical up to 2.  
 New 2 as follows:

2.1 Aerodrome competence training should include knowledge of obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures and applicable minima. Where special weather phenomena, including turbulence, and/or special operating procedures for approach and/or climb out, are relevant, such items should be covered.

2.2 The Operations Manual should describe a method for assessment of the relative risk of approach and departure operations of aerodromes that do not comply with the following:

- (insert current 2.3.1).

For those aerodromes not in compliance with 2.3.1 above, the Operations Manual should describe the methods of initial qualification and recurrent qualification for the pilot-in-command to operate to and from such aerodromes.

comment

3327

comment by: *Lufthansa CityLine GmbH*

The provisions in 3 b – requiring a visit or simulator training , presumably at 12 months intervals – are particularly difficult for operators to comply with, because it reduces flexibility and carries additional costs without a direct safety value added. This is because that such a visit every 12 months does not necessarily provide the pilot-in-command with the knowledge and skills to operate at airports that require additional considerations under circumstances other than those actually encountered during the visit. The industry had earlier raised this issue vis-à-vis JAA, suggesting that programmed instruction may fulfil the requirement.

An alternative for operators would be to categorize all aerodromes that do not qualify as category A, as category B aerodromes. This would not formally constitute lack of compliance inasmuch as ‘additional considerations’ for category C aerodromes are not defined. However, from an operational perspective it does make good sense to have a category for the most challenging aerodromes. It should, however, be possible for an operator to establish an alternative means of compliance for currency for pilots-in-command for such aerodromes. One system that could be employed would include an explicit scheme for assessment of relative difficulty of operation, for example with basis in FSF CFIT checklist. Based on the risk factor, the aerodromes are categorized, possibly with higher differentiation than categories A, B and C. An operator may also want to specify and define the ‘additional considerations’ that require special release. An operator may introduce programmed instruction in the form of aerodrome briefing pages or CBT multimedia briefings, as well as simulator training which may be of a generic nature for types of operation that are unique to a subset of the most difficult aerodromes, e.g. increased bank during climb-out. An operator may require a visit for initial release, and programmed instruction for recurrency.

It is therefore suggested that AMC OR.OPS.020 FC(b)(2) either be presented as GM instead of AMC, or that the AMC is reworded, or that the AMC is supplemented by an AMC2. Specifically, the following is proposed:

Current AMC is reclassified as GM

Current AMC is amended as follows:

3 b: (Prior to operating to) a Category C aerodrome, the pilot-in-command should be briefed, or self-briefed, by means of programmed instruction, including CBT detailing the operating characteristics of that particular aerodrome. If possible, this may be supplemented by a visit to the aerodrome under supervision of a check pilot or instructor pilot, or instruction in a Flight Simulator. The briefing, and visit and/or simulator training when applicable, should be recorded.

Current AMC is renamed AMC1 and a new AMC2 is introduced as follows:

Verbatim identical up to 2.

New 2 as follows:

2.1 Aerodrome competence training should include knowledge of obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures and applicable minima. Where special weather phenomena, including turbulence, and/or special operating procedures for approach and/or climb out, are relevant, such items should be covered.

2.2 The Operations Manual should describe a method for assessment of the relative risk of approach and departure operations of aerodromes that do not comply with the following:

(insert current 2.3.1).

For those aerodromes not in compliance with 2.3.1 above, the Operations Manual should describe the methods of initial qualification and recurrent qualification for the pilot-in-command to operate to and from such aerodromes.

comment

3410

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The requirement to have to complete a command course for a pilot to relief the PIC is a way too much strict. This does not match with EU-OPS requirements and would lead to a huge increment in costs for operators.

**Proposal**

EU-OPS must remain unchanged regarding inflight relief of crew members.

comment

3726

comment by: *Bristow Helicopters*

Clarification required on how to classify offshore installations with respect to Ops Manual development of Part C and training for Cat B and C aerodromes.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 1 - GM OR.OPS.040.FC Differences and familiarisation training**

p. 79

comment

3214

comment by: *DGAC*

**(1)** : Amend the end of 1 as follows :

“it should be carried out **whenever the change requires acquisition of additional knowledge and training by the flight crew**”

**(2)** : Amend the end of 2 as follows :

“it should be carried out **whenever the change requires acquisition**

**of additional knowledge"**

In addition, this material should rather be in an AMC instead of a GM

<b>C. V. Draft Decision (AMC&amp;GM) Part-OR - Subpart OPS - Section V - Chapter 1 - AMC OR.OPS.050.FC Pilot qualification to operate in either pilot's seat</b>	p. 79-80
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comment 660

comment by: AEA

**Relevant Text:**

1. Pilot-in-command whose duties require them to operate in either seat...
- ..
5. A pilot other than the pilot-in-command occupying the pilot in command seat...

**Comment:**

Training is only related to take off and landing. Therefore this AMC does not provide for legal certainty.

The terminology 'pilot in command seat' is not defined.

**Proposal:**

Add 'below FL200' to point 1 and point 5.

comment 672

comment by: Bristow Helicopters

**Comment** In paragraph 1.1, the requirement to complete the type rating proficiency check from the normally occupied seat is restrictive and unnecessary. Helicopter pilots-in-command who operate from both seats will undergo proficiency checks in alternate seats under the requirements of this paragraph. It does not matter whether the proficiency check is for the type rating or operator check, since the content of each check is almost identical. Also there appears to be no definition of "normally occupied" seat. It could be interpreted as the command seat (generally RHS in helicopters), or the seat most frequently occupied, which will depend on the nature of the operation. What is the intention of this requirement?

**Proposed Amendment**

1.1 In the case of helicopters, these pilots should also complete their proficiency checks respectively from left and right hand seats, on alternate proficiency checks, ~~provided that when the type rating proficiency check is combined with the operator proficiency check the pilot-in-command completes his/her training or checking from the normally occupied seat.~~

**Justification** Part FCL allows the type skill test/proficiency check for a multi-pilot helicopter to be conducted in either seat.

comment 1653

comment by: TAP Portugal

**Relevant Text:**

1. Pilot-in-command whose duties require them to operate in either seat...
- ..
5. A pilot other than the pilot-in-command occupying the pilot in command seat...

**Comment:**

Training is only related to take off and landing. Therefore this AMC does not provide for legal certainty.  
The terminology 'pilot in command seat' is not defined.

**Proposal:**

Add 'below FL200' to point 1 and point 5.

comment

2164

comment by: *AUSTRIAN Airlines***Relevant Text:**

1. Pilot-in-command whose duties require them to operate in either seat...
- ..
5. A pilot other than the pilot-in-command occupying the pilot in command seat...

**Comment:**

Training is only related to take off and landing. Therefore this AMC does not provide for legal certainty.  
The terminology 'pilot in command seat' is not defined.

**Proposal:**

Add 'below FL200' to point 1 and point 5.

comment

2198

comment by: *M Wilson-NetJets***Original text:**

COMMERCIAL AIR TRANSPORT

(1) Pilots-in-command whose duties require them to operate in either seat and carry out the duties of co-pilot, or pilots-in-command required to conduct training or checking duties, should complete additional training and checking as specified in the Operations Manual, concurrent with the operator proficiency checks prescribed in OR.OPS.145.FC(b). This additional training should include at least the following:

- a. An engine failure during takeoff;
- b. A one engine inoperative approach and goaround;
- and
- c. A one engine inoperative landing.

**Suggested new text:**

No suggested text

**Comment/suggestion:**

additional training and checking ...concurrent with the OPC...Training should include at least...

A better definition of training and checking elements required in order to remove ambiguity.

comment

2456

comment by: *KLM***Relevant Text:**

1. Pilot-in-command whose duties require them to operate in either seat...
- ..
5. A pilot other than the pilot-in-command occupying the pilot in command seat...

**Comment:**

Training is only related to take off and landing. Therefore this AMC does not provide for legal certainty.

The terminology 'pilot in command seat' is not defined.

**Proposal:**

Add 'below FL200' to point 1 and point 5.

comment

2645

comment by: *Deutsche Lufthansa AG***Relevant Text:**

1. Pilot-in-command whose duties require them to operate in either seat...

..

5. A pilot other than the pilot-in-command occupying the pilot in command seat...

**Comment:**

Training is only related to take off and landing. Therefore this AMC does not provide for legal certainty.

The terminology 'pilot in command seat' is not defined.

**Proposal:**

Add 'below FL200' to point 1 and point 5.

comment

3108

comment by: *ERA***European Regions Airline Association Comment**

Consider changing the title "Pilot Not Flying" to "Pilot Monitoring" in Paragraph 5

The term "PILOT MONITORING", proposed by the Flight Safety Foundation as well as the actual CRM worldwide forums, including Threat and error management, describes what the pilot should be doing (monitoring) versus what she/he is not doing (not flying). A negative concept, with a passivity and inactivity meaning, is replaced by a new concept that states a fundamental task for the safety of the operation. Thus, the flight crew would be composed of the pilots that fly the aircraft (Pilot Flying) and the pilot that monitors the pilot that is flying (Pilot Monitoring).

comment

3339

comment by: *Lufthansa CityLine GmbH*

5

Consider changing the title "Pilot Not Flying" to "Pilot Monitoring" in Paragraph 5.

The term "PILOT MONITORING", proposed by the Flight Safety Foundation as well as the actual CRM worldwide forums, including Threat and error management, describes what the pilot should be doing (monitoring) versus what she/he is not doing (not flying). A negative concept, with a passivity and inactivity meaning, is replaced by a new concept that states a fundamental task for the safety of the operation. Thus, the flight crew would be composed of the pilots that fly the aircraft (Pilot Flying) and the pilot that monitors the

pilot that is flying (Pilot Monitoring).

comment

3959

comment by: ANE (Air Nostrum) OPS QM

Consider changing the title "Pilot Not Flying" to "Pilot Monitoring" in Paragraph 5.

The term "PILOT MONITORING", proposed by the Flight Safety Foundation as well as the actual CRM worldwide forums, including Threat and error management, describes what the pilot should be doing (monitoring) versus what she/he is not doing (not flying). A negative concept, with a passivity and inactivity meaning, is replaced by a new concept that states a fundamental task for the safety of the operation. Thus, the flight crew would be composed of the pilots that fly the aircraft (Pilot Flying) and the pilot that monitors the pilot that is flying (Pilot Monitoring).

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - AMC OR.OPS.115.FC (a) Composition of flight crew** p. 80

comment

1560

comment by: *British Airways*

The use of hours as a metric does not differentiate between different types of operations. Sectors are a better metric for the purpose of measuring experience. Our proposal would therefore be to use sectors as a measure of experience.

comment

3443

comment by: *UK CAA***Page No:** 80**Paragraph No:**

AMC OR.OPS.115.FC (a) A para 2a.and b.

**Comment:**

The list of conditions should be exclusive and therefore there should be the word "or" after both paragraphs a. and b.

**Justification:**

Consistency of requirement.

**Proposed Text (if applicable):** Amend to read as follows;

a. ....commencing operations; *or*  
....a new aeroplane type; *or*

comment

3445

comment by: *UK CAA***Page No:** 80**Paragraph No:**

AMC OR.OPS.115.FC (a) B 2

**Comment:**

The wording of the opening for the helicopter paragraph is different to that of the aeroplane. For consistency it should be the same where possible.

**Justification:**

Consistency of text.

**Proposed Text (if applicable):** Amend paragraph 2 to read:

"A lesser number of flight hours, on the type and/or in the role, *and subject to any other conditions which the competent authority may impose, may be acceptable to the competent authority when*" and the words "may be considered if" should be deleted.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - AMC OR.OPS.030.FC and OR.OPS.130.FC Crew Resource Management (CRM)** p. 80-85

comment	<p>155 <span style="float: right;">comment by: EHOC</span></p> <p><u>Paragraph 3.</u></p> <p>Editorial: Formatting.</p>
comment	<p>169 <span style="float: right;">comment by: ECA - European Cockpit Association</span></p> <p>Comment on AMC OR.OPS.030.FC and OR.OPS.130.FC(8): change as follows:</p> <p>8 Assessment of CRM Skills</p> <p>8.1 Assessment of CRM skills is the process of observing, recording, interpreting and debriefing crews' and crew member's performance and knowledge using an acceptable methodology in the context of overall performance. It includes the concept of selfcritique, and feedback which can be given continuously during training or in summary following a check. In order to enhance the effectiveness of the programme this methodology should, <del>where possible,</del> be agreed with flight crew representatives.</p> <p>Justification:</p> <p>It is essential the participation of the flight crew representatives in the programme so that flight crew members can gain confidence in the process.</p>
comment	<p>1453 <span style="float: right;">comment by: Pietro Barbagallo ENAC</span></p> <p>Comment:1.3 Should be amended as follows:....reflect the culture and kind of operations of the operator</p> <p>Justification: 1.3 In these years the kind of operations, including aircraft type used by the operators has been too often not taken into account producing ineffective CRM training delivered to bored pilots (e.g. large airline cases presented to helicopter pilots).</p>
comment	<p>1454 <span style="float: right;">comment by: Pietro Barbagallo ENAC</span></p> <p>Comment: 2.2 To be moved in 1 General to become 1.6 and changed as follows. A CRM trainer should at least: have completed a basic instructional technique course including education and interactive skills, have commercial experience as a flight crew member, have successfully passed a human performance and limitation exam, have completed initial CRM training, have theoretical experience on the subject of CRM or HF training. He/she shall demonstrate: 1) to have the knowledge specific to each kind of CRM training/assessment to be conducted;2) to have the necessary instructional skills; 3) to be able to facilitate crew member CRM skills and assess the performance in a constructive way according to the following point 8." Assessment of CRM skills". This demonstration should be given to an experienced CRM trainer suitably qualified as determined by the Authority.</p> <p>Justification:The qualification of a CRM trainer has not to be limited to Initial CRM as it is now, but applies to all kind of CRM with variants related to the content of the training and the environment of the training (classroom, simulator, flight, initial, type, operator's, recurrent training and so on) but not to the competent behaviours that he shall use. Many surveys carried out in these years have demonstrated that having commercial flight experience as crew member is not a guarantee of effectiveness without appropriate training but is essential for face validity and practical value of CRM training. The proposed elements of competence are more easily and objectively measured</p>

than the existing ones that are included anyway. To leave to the Authorities to determine the level of experience and qualification that a CRM supervisor shall have, gives a fair amount of flexibility for the different cultures and national situations

comment 1455 comment by: *Pietro Barbagallo ENAC*

Comment: 2.3 Should be moved into the following 3. "Operator conversion course" after point 3.2. Substitute ...initial CRM... with An operator should ensure that Conversion course CRM training.....  
Justification: Initial CRM has a general scope. Operator's Conversion Course CRM should include all the elements of 2.3.

comment 1456 comment by: *Pietro Barbagallo ENAC*

Comment: 2.4 Should be moved into 1 General to become 1.7. The content of the first line.....to establish initial CRM training... should be changed into "to establish CRM training".  
Justification: Many small operators don't have the resources and competence to do any CRM training in classroom. For simulators the use mostly Providers. It is not just an Initial CRM problem.

comment 1457 comment by: *Pietro Barbagallo ENAC*

Comment: 5.1.b Should be deleted if CRM competence and supervision are included in point 1. General  
Justification: CRM Trainer competence and qualifications are a general issue for all CRM training, not just RT.

comment 1458 comment by: *Pietro Barbagallo ENAC*

Comment: 6.1 Table: Recurrent Training vs Case based studies, to be changed from as appropriate to In depth or Required  
Justification: As appropriate is a too ambiguous term. Case based studies as identified by the accident prevention program and management system are the main part of the inputs to identify areas which warrant extra attention during CRM RT revision that shall take place over a period not exceeding 3 years. Thus can't be addressed without proper attention to keep coherence with AMC1 OR.OPS.145.FC and also AMC2 OR.OPS.115.CC page 105

comment 1459 comment by: *Pietro Barbagallo ENAC*

Comment: 8.7 Should be changed into.....the required CRM standards  
Justification: Need some specification as this principle applies to all situations in which personnel do not achieve or maintain adequate standards. The specification is useful because it doesn't imply that this training is only given after a failed check.

comment 2160 comment by: *Ryanair*

1.1 Comment

The The direction to complete Initial CRM "outside the operator premises", albeit "whenever possible" is very restrictive. Large ATO's and Operator's will

have excellent training facilities on a site owned and operated by the ATO or Organisation. These should not be precluded as a location for CRM training.

PrPPproposal: -

**1.1 AMC OR.OPS.030.FC and OR.OPS.130.FC Crew Resource Management (CRM) – Page 81**

1.5 It is recommended that, whenever possible, initial CRM training be conducted in a group session outside the operator's premises **or at a recognized training centre** so that the opportunity is provided for flight crew members to interact and communicate away from the pressures of their usual working environment **training is the goal.**

comment

2194

comment by: Ryanair

**Comment**

1. This AMC appears to rule out existing CRM instructors who were not aircrew but who have been found to be acceptable by the Authority. Is it EASA's intention to remove any existing approvals for such instructors when this NPA is enacted fully?
1. Within the proposed the following change should be made to make the role of CRM instructor open to flight crew who have been declared medically unfit to fly or who have reached a certain age. For example, this text would appear to exclude an SFI from being a CRM Instructor: -
  1. Have had and maintain adequate knowledge of the operation and the aircraft type, preferable through current or past relevant commercial air transport experience as a flight crew member:

comment

3046

comment by: CRM Advisory Panel to the United Kingdom Civil Aviation Authority

**Comment:**

An individual without commercial aircrew experience should only be able to become, or continue to be a CRM instructor, but only if they can demonstrate to the National Authority that they have the necessary instructional and facilitational skills, sufficient knowledge of the operation and flight deck environment, and the credibility to be able to train all of the Pilot CRM Training syllabus to the same standard as a CRM Instructor with Commercial Flightdeck experience.

Proposal:

Ammend 2.2 and add new 2.3 with the following:

2.2 A CRM Trainer should:

- a) Have completed a basic instructional technique course acceptable to the National Authority
- b) Have or have had commercial air transport experience as a flight crew member;

c) Have successfully passed the Human Performance and Limitations (HPL) examination whilst recently obtaining the ATPL in accordance with Part FCL; or followed a theoretical HPL course covering the whole syllabus of the HPL examination;

d) Have completed initial CRM training;

e) Have received additional education in the fields of group management, group dynamics and personal awareness;

f) Have demonstrated to the National Authority that they have the necessary knowledge and instructional skills;

g) Be supervised by suitably qualified CRM during their first initial CRM training sessions.

2.3 In addition, and when acceptable to the National Authority a flight-crew member may become or continue to be a CRM Trainer after the cessation of active flying duties provided they maintain adequate knowledge of the operation and aircraft type. A non flight-crew member may also be or become a CRM Trainer, provided they are able to demonstrate to the National Authority that they have the required operational knowledge, instruction and facilitation skills, and the credibility required to be able to train all areas of the flight crew CRM syllabus to the required standard.

comment

3446

comment by: UK CAA

**Page No:** 80**Paragraph No:**

AMC OR.OPS.030.FC and OR.OPS.130.FC

**Comment:**

The AMC before this one has the number AMC OR.OPS.115.FC (a) and therefore, logically this one should have the number AMC.OR.OPS.130.FC. Either the numbering needs to be revised or a separate AMC needs to be opened for AMC OR.OPS.030.FC

**Justification:**

Logical numbering system

comment

3729

comment by: Bristow Helicopters

No assessment of CRM during training

comment

3731

comment by: Bristow Helicopters

No assessment of CRM during recurrent training

comment

3732

comment by: Bristow Helicopters

Methodology should be agreed with Flight Crew reps. We suggest that this should be 'best practice' rather than legal requirement.

comment

3822

comment by: Ryanair

COmment Ref 7.2

This requirement to have cabin and flight crew CRM instructors observe each other and comment on each other's style is completely impractical and must be

removed. In large organisations where CRM training takes place in many diverse locations it is simply not possible to arrange this without significant cost and inefficiencies. Large organisations have hundreds of CRM instructors.

It is the task of training managers to oversee the activities of instructors and to unify their style and method. Once provision for **THIS** is in place the function is catered for.

Proposal

7.2 There should be an effective liaison between flight crew and cabin/technical crew training departments. Provision should be made for training managers to observe and comment on CRM instructors training.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - AMC1 OR.OPS.135.FC Operator conversion training and checking** p. 85-87

comment

294

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.135.FC 1.1: change as follows and transfer to IR:

1 General

1.1 The operator conversion training should include, in the following order:

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before **line flying under supervision if an FSTD is used or before** flying training **in the aircraft** commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- ~~e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.~~

Justification:

This provision was at section 1 level in EU OPS.

Furthermore, point e) may be performed after b). Imposing e) to be performed at last is uselessly burdensome and requiring, and not compliant with EU OPS contents.

comment

295

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.135.FC 4:

Add paragraph 4.5 as follows :

4.5 In the case of a ZFTT course, this training should include a specific simulator session during which includes six take-offs and landings, not later than 21 days after the completion of the skill test.

This simulator session shall be conducted by a type rating instructor for aeroplanes (TRI(A)) occupying a pilot's seat.

When recommended by a JOINT OPERATIONAL EVALUATION Board (JOEB) and approved by the Authority, the number of take-offs and landings may be reduced.

If these take-offs and landings have not been performed within the 21 days, the operator shall provide refresher training acceptable to the competent

Authority;

Justification:

This was the EU OPS requirement for ZFTT.

comment

419

comment by: CAA-NL

Comment regarding:

4.4 Unless the type rating training programme has been carried out in a Flight Simulator

usable for zero flighttime

training (ZFTT), the training should include at least 3 takeoffs and landings in the aircraft.

Comment CAA-NL:

Number of landing is not correct.

Reason:

Not in Line with FCL: For multi-pilot aeroplanes where the student pilot has more than 500 hours MPA experience in aeroplanes of similar size and performance, these should include at least 4 landings of which at least one should be a full stop landing. In all other cases the student should complete at least 6 landings.

comment

420

comment by: CAA-NL

Comment regarding:

b. Aeromedical topics including:

6 Passenger handling. Other than general training on dealing with people, emphasis

should be placed on the following:

7 Discipline and responsibilities. Amongst other subjects, emphasis should be placed

on discipline and an individual's responsibilities in relation to:

8 Passenger briefing/safety demonstrations. Training should be given in the preparation of passengers for normal and emergency situations.

Comment CAa-NL:

is not in line with EU-OPS or section 2 material OPS-1.

New topics are introduced.

These new topics should be presented via a separate new NPA in a later stage.

comment

476

comment by: CAA-NL

### **Regarding 6c**

**Comment CAA-NL:** The text appears to require dangerous goods training as part of type conversion training and assumes that some dangerous goods may be allowed in the cabin depending on the type.

**Justification:** Dangerous goods are either allowed in the cabin (as a permitted item of passenger baggage), or they are forbidden. The type of aircraft has no bearing on this and so if personnel still hold a valid dangerous goods training qualification no further training is required.

**Proposed Text (if applicable):**

Delete AMC1 OR.OPS.135.FC 6 c. and consequentially re-number subsequent paragraphs

comment 589 comment by: *International Air Transport Association*

AMC1 OR.OPS.135.FC 6 c.

The text of this subparagraph implies that some element of dangerous goods training must be provided to flight crew as part of any type conversion training. Initial and recurrent dangerous goods training must be provided to flight crew in accordance with the provisions of the ICAO Technical Instructions and must include more information than is indicated in this subparagraph and may not be required at the time of any type conversion training dependant on the last training date.

Proposed amendment. Delete subparagraph c and renumber subsequent subparagraphs accordingly.

comment 872 comment by: *ECA - European Cockpit Association*

Comment on AMC1 OR.OPS.135.FC 1.1: Restructure the whole paragraph in order to establish a logical sequence.

First ground training which may be combined with sim training; then flight training; E&SET before or after flight training, depending on the use of A/C or sim; then line flying under supervision, then line check.

**Justification:**

The sequence of the training elements cannot be established as an optional way to train, as an AMC implies. Several elements may be combined, like ground training and simulator training; other elements clearly need a logical sequence; e.g if no simulator is used, flight training must follow ground training. This AMC is (in its shortness) inappropriate.

comment 900 comment by: *ECA - European Cockpit Association*

Comment on AMC1 OR.OPS.135.FC:

Operator conversion training and checking; upgrade text from App 1 1.965 to IR

**Justification:**

Downgrading to AMC is not acceptable

comment 904 comment by: *Federal Office of Civil Aviation (FOCA), Switzerland*

**Concern Detail:**

The text appears to require dangerous goods training as part of type conversion training and assumes that some dangerous goods may be allowed in the cabin depending on the type.

**Comment:**

Dangerous goods are either allowed in the cabin (as a permitted item of passenger baggage), or they are forbidden. The type of aircraft has no bearing on this and so if personnel still hold a valid dangerous goods training

qualification no further training is required.

**Proposal:**

Delete AMC1 OR.OPS.135.FC 6 c. and consequentially re-number subsequent paragraphs.

comment

1035

comment by: AEA

**Relevant Text:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, if the aircraft concerned is relatively simple, private study may be adequate if the operator provides suitable manuals and/or study notes.

**Comment:**

This would preclude the use of E-Learning, CBT's or other innovative method's of training for airline operators.

**Proposal:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, private study may be adequate if the operator provides suitable **alternative method's of training.**

comment

1036

comment by: AEA

**Relevant Text:**

4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, **or operations based on QFE**, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.

**Comment:**

Operations based on QFE is not special as it is commonly used in normal operations

**Proposal:**

Delete reference to QFE operations;

*4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, ~~or operations based on QFE~~, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.*

comment

1037

comment by: AEA

**Relevant Text:**

6 Passenger handling. Other than general training on dealing with people, emphasis should be placed on the following:

- a. Advice on the recognition and management of passengers who appear or become intoxicated with alcohol, under the influence of drugs or aggressive;
- b. Methods used to motivate passengers and the crowd control necessary to expedite an aircraft evacuation;
- c. Awareness of the types of dangerous goods which may, and may not, be carried in a passenger cabin, including the completion of a dangerous goods

training programme; and

d. The importance of correct seat allocation with reference to aircraft mass and balance. Particular emphasis should also be given on the seating of special categories of passengers.

7 Discipline and responsibilities. Amongst other subjects, emphasis should be placed on discipline and an individual's responsibilities in relation to:

a. His ongoing competence and fitness to operate as a crew member with special regard to flight time limitation requirements; and

b. Security procedures.

8 Passenger briefing/safety demonstrations. Training should be given in the preparation of passengers for normal and emergency situations.

**Comment:**

Delete 6,7 and 8 as is mostly relevant when commencing at an operator. In the case of changing a type relevant topics are covered in the ground course or safety training and must be credited to the trainee.

**Proposal:**

Split OR.OPS.135.FC Operator conversion training and checking into two chapters; one dealing with a change of type, the other with a change or start at a new operator. Requirements from 135 should be redistributed.

comment

1038

comment by: AEA

**Relevant Text:**

1.1 The operator conversion training should include, **in the following order:**

a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;

b. Emergency and safety equipment training and checking, (completed before flying training commences);

c. Flying training and checking (aircraft and/or flight simulator);

d. Line flying under supervision and line check; and

e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

**Comment:**

Delete "in the following order" as it gives no flexibility in the programs and resources used. E.g. Ground training and checking running parallel with full flight simulator sessions.

**Proposal:**

1.1 The operator conversion training should include ~~in the following order:~~

a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;

b. Emergency and safety equipment training and checking, (completed before flying training commences);

c. Flying training and checking (aircraft and/or flight simulator);

d. Line flying under supervision and line check; and

e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

comment

1143

comment by: Austro Control GmbH

1.2 :

add:

"... combined with **new type/class** rating as required by Part FCL."

Justification:

without this corrected formulation no license endorsement would be possible.

comment

1425

comment by: UK CAA

**Page No:** 87**Paragraph No:** AMC1 OR.OPS.135.FC 6 c.**Comment:** The text appears to require dangerous goods training as part of type conversion training and assumes that some dangerous goods may be allowed in the cabin depending on the type.**Justification:** Dangerous goods are either allowed in the cabin (as a permitted item of passenger baggage), or they are forbidden. The type of aircraft has no bearing on this and therefore, if personnel still hold a valid dangerous goods training qualification, no further training is required.**Proposed Text (if applicable):**

Delete AMC1 OR.OPS.135.FC 6 c. and consequentially re-number subsequent paragraphs.

comment

1654

comment by: TAP Portugal

**Relevant Text:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, if the aircraft concerned is relatively simple, private study may be adequate if the operator provides suitable manuals and/or study notes.

**Comment:**

This would preclude the use of E-Learning, CBT's or other innovative method's of training for airline operators.

**Proposal:**2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, private study may be adequate if the operator provides suitable **alternative method's of training.**

comment

1655

comment by: TAP Portugal

**Relevant Text:**4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, **or operations based on Q FE**, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.**Comment:**

Operations based on QFE is not special as it is commonly used in normal operations

**Proposal:**

Delete reference to QFE operations;

*4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations*

*such as steep approaches, ETOPS, ~~or operations based on OFE~~, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.*

comment

1656

comment by: TAP Portugal

**Relevant Text:**

6 Passenger handling. Other than general training on dealing with people, emphasis should be placed on the following:

- a. Advice on the recognition and management of passengers who appear or become intoxicated with alcohol, under the influence of drugs or aggressive;
- b. Methods used to motivate passengers and the crowd control necessary to expedite an aircraft evacuation;
- c. Awareness of the types of dangerous goods which may, and may not, be carried in a passenger cabin, including the completion of a dangerous goods training programme; and
- d. The importance of correct seat allocation with reference to aircraft mass and balance. Particular emphasis should also be given on the seating of special categories of passengers.

7 Discipline and responsibilities. Amongst other subjects, emphasis should be placed on discipline and an individual's responsibilities in relation to:

- a. His ongoing competence and fitness to operate as a crew member with special regard to flight time limitation requirements; and
- b. Security procedures.

8 Passenger briefing/safety demonstrations. Training should be given in the preparation of passengers for normal and emergency situations.

**Comment:**

Delete 6,7 and 8 as is mostly relevant when commencing at an operator. In the case of changing a type relevant topics are covered in the ground course or safety training and must be credited to the trainee.

**Proposal:**

Split OR.OPS.135.FC Operator conversion training and checking into two chapters; one dealing with a change of type, the other with a change or start at a new operator. Requirements from 135 should be redistributed.

comment

1657

comment by: TAP Portugal

**Relevant Text:**

1.1 The operator conversion training should include, **in the following order**:

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

**Comment:**

Delete "in the following order" as it gives no flexibility in the programs and resources used. E.g. Ground training and checking running parallel with full flight simulator sessions.

**Proposal:**

1.1 The operator conversion training should include, ~~in the following order~~:

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;

- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

comment

2165

comment by: AUSTRIAN Airlines

**Relevant Text:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, if the aircraft concerned is relatively simple, private study may be adequate if the operator provides suitable manuals and/or study notes.

**Comment:**

This would preclude the use of E-Learning, CBT's or other innovative methods of training for airline operators.

**Proposal:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, private study may be adequate if the operator provides suitable **alternative methods of training.**

comment

2166

comment by: AUSTRIAN Airlines

**Relevant Text:**

4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, **or operations based on QFE**, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part 21, where they exist.

**Comment:**

Operations based on QFE is not special as it is commonly used in normal operations

**Proposal:**

Delete reference to QFE operations;

*4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, ~~or operations based on QFE~~, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part 21, where they exist.*

comment

2167

comment by: AUSTRIAN Airlines

**Relevant Text:**

6 Passenger handling. Other than general training on dealing with people, emphasis should be placed on the following:

- a. Advice on the recognition and management of passengers who appear or become intoxicated with alcohol, under the influence of drugs or aggressive;

- b. Methods used to motivate passengers and the crowd control necessary to expedite an aircraft evacuation;
- c. Awareness of the types of dangerous goods which may, and may not, be carried in a passenger cabin, including the completion of a dangerous goods training programme; and
- d. The importance of correct seat allocation with reference to aircraft mass and balance. Particular emphasis should also be given on the seating of special categories of passengers.

7 Discipline and responsibilities. Amongst other subjects, emphasis should be placed

on discipline and an individual's responsibilities in relation to:

- a. His ongoing competence and fitness to operate as a crew member with special regard to flight time limitation requirements; and
- b. Security procedures.

8 Passenger briefing/safety demonstrations. Training should be given in the preparation of passengers for normal and emergency situations.

**Comment:**

Delete 6,7 and 8 as is mostly relevant when commencing at an operator. In the case of changing a type relevant topics are covered in the ground course or safety training and must be credited to the trainee.

**Proposal:**

Split OR.OPS.135.FC Operator conversion training and checking into two chapters; one dealing with a change of type, the other with a change or start at a new operator. Requirements from 135 should be redistributed.

comment

2168

comment by: *AUSTRIAN Airlines*

**Relevant Text:**

1.1 The operator conversion training should include, **in the following order:**

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

**Comment:**

Delete "in the following order" as it gives no flexibility in the programs and resources used. E.g. Ground training and checking running parallel with full flight simulator sessions.

**Proposal:**

1.1 The operator conversion training should include, **in the following order:**

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

comment

2457

comment by: *KLM*

**Relevant Text:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, if the aircraft concerned is relatively simple, private study may be adequate if the operator provides suitable manuals and/or study notes.

**Comment:**

This would preclude the use of E-Learning, CBT's or other innovative method's of training for airline operators.

**Proposal:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, private study may be adequate if the operator provides suitable **alternative method's of training.**

comment

2458

comment by: KLM

**Relevant Text:**

4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, **or operations based on QFE**, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.

**Comment:**

Operations based on QFE is not special as it is commonly used in normal operations

**Proposal:**

Delete reference to QFE operations;

*4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, ~~or operations based on QFE~~, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.*

comment

2459

comment by: KLM

**Relevant Text:**

6 Passenger handling. Other than general training on dealing with people, emphasis should be placed on the following:

- a. Advice on the recognition and management of passengers who appear or become intoxicated with alcohol, under the influence of drugs or aggressive;
- b. Methods used to motivate passengers and the crowd control necessary to expedite an aircraft evacuation;
- c. Awareness of the types of dangerous goods which may, and may not, be carried in a passenger cabin, including the completion of a dangerous goods training programme; and
- d. The importance of correct seat allocation with reference to aircraft mass and balance. Particular emphasis should also be given on the seating of special categories of passengers.

7 Discipline and responsibilities. Amongst other subjects, emphasis should be placed on discipline and an individual's responsibilities in relation to:

- a. His ongoing competence and fitness to operate as a crew member with

special regard to flight time limitation requirements; and  
b. Security procedures.

8 Passenger briefing/safety demonstrations. Training should be given in the preparation of passengers for normal and emergency situations.

**Comment:**

Delete 6,7 and 8 as is mostly relevant when commencing at an operator. In the case of changing a type relevant topics are covered in the ground course or safety training and must be credited to the trainee.

**Proposal:**

Split OR.OPS.135.FC Operator conversion training and checking into two chapters; one dealing with a change of type, the other with a change or start at a new operator. Requirements from 135 should be redistributed.

comment

2460

comment by: KLM

**Relevant Text:**

1.1 The operator conversion training should include, **in the following order:**

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

**Comment:**

Delete "in the following order" as it gives no flexibility in the programs and resources used. E.g. Ground training and checking running parallel with full flight simulator sessions.

**Proposal:**

1.1 The operator conversion training should include ~~in the following order:~~

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

comment

2646

comment by: Deutsche Lufthansa AG

**Relevant Text:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, if the aircraft concerned is relatively simple, private study may be adequate if the operator provides suitable manuals and/or study notes.

**Comment:**

This would preclude the use of E-Learning, CBT's or other innovative methods of training for airline operators.

**Proposal:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any

necessary audio, mechanical and visual aids. However, private study may be adequate if the operator provides suitable **alternative method's of training.**

comment

2647

comment by: Deutsche Lufthansa AG

**Relevant Text:**

4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, **or operations based on QFE**, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.

**Comment:**

Operations based on QFE is not special as it is commonly used in normal operations

**Proposal:**

Delete reference to QFE operations;

*4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, ~~or operations based on QFE~~, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.*

comment

2648

comment by: Deutsche Lufthansa AG

**Relevant Text:**

6 Passenger handling. Other than general training on dealing with people, emphasis should be placed on the following:

- a. Advice on the recognition and management of passengers who appear or become intoxicated with alcohol, under the influence of drugs or aggressive;
- b. Methods used to motivate passengers and the crowd control necessary to expedite an aircraft evacuation;
- c. Awareness of the types of dangerous goods which may, and may not, be carried in a passenger cabin, including the completion of a dangerous goods training programme; and
- d. The importance of correct seat allocation with reference to aircraft mass and balance. Particular emphasis should also be given on the seating of special categories of passengers.

7 Discipline and responsibilities. Amongst other subjects, emphasis should be placed

on discipline and an individual's responsibilities in relation to:

- a. His ongoing competence and fitness to operate as a crew member with special regard to flight time limitation requirements; and
- b. Security procedures.

8 Passenger briefing/safety demonstrations. Training should be given in the preparation of passengers for normal and emergency situations.

**Comment:**

Delete 6,7 and 8 as is mostly relevant when commencing at an operator. In the case of changing a type relevant topics are covered in the ground course or safety training and must be credited to the trainee.

**Proposal:**

Split OR.OPS.135.FC Operator conversion training and checking into two chapters; one dealing with a change of type, the other with a change or start

at a new operator. Requirements from 135 should be redistributed.

comment

2650

comment by: Deutsche Lufthansa AG

**Relevant Text:**

1.1 The operator conversion training should include, **in the following order:**

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

**Comment:**

Delete "in the following order" as it gives no flexibility in the programs and resources used. E.g. Ground training and checking running parallel with full flight simulator sessions.

**Proposal:**

1.1 The operator conversion training should include ~~in the following order:~~

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

comment

2731

comment by: Ryanair

## Comment

Web based training is a growing aspect of aviation training, Many airlines and training organisations use web based training for subjects such as Dangerous Goods and Security. These courses and modules are approved by aviation authorities and Government Transport Departments alike. Provision must be made in these sections.

## Proposal

*2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. Private study may be adequate if the operator provides suitable manuals and/or study notes. Properly resourced and managed Web based training with a recognized training provider is also acceptable.*

comment

3010

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, if the aircraft concerned is relatively simple, private study may be adequate if the operator provides

suitable manuals and/or study notes.

**Comment:**

This would preclude the use of E-Learning, CBT's or other innovative method's of training for airline operators.

**Proposal:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, private study may be adequate if the operator provides suitable **alternative method's of training.**

comment

3011

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, **or operations based on Q FE**, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.

**Comment:**

Operations based on QFE is not special as it is commonly used in normal operations

**Proposal:**

Delete reference to QFE operations;

*4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, ~~or operations based on QFE~~, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.*

comment

3012

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

6 Passenger handling. Other than general training on dealing with people, emphasis should be placed on the following:

- a. Advice on the recognition and management of passengers who appear or become intoxicated with alcohol, under the influence of drugs or aggressive;
- b. Methods used to motivate passengers and the crowd control necessary to expedite an aircraft evacuation;
- c. Awareness of the types of dangerous goods which may, and may not, be carried in a passenger cabin, including the completion of a dangerous goods training programme; and
- d. The importance of correct seat allocation with reference to aircraft mass and balance. Particular emphasis should also be given on the seating of special categories of passengers.

7 Discipline and responsibilities. Amongst other subjects, emphasis should be placed on discipline and an individual's responsibilities in relation to:

- a. His ongoing competence and fitness to operate as a crew member with special regard to flight time limitation requirements; and
- b. Security procedures.

8 Passenger briefing/safety demonstrations. Training should be given in the preparation of passengers for normal and emergency situations.

**Comment:**

Delete 6,7 and 8 as is mostly relevant when commencing at an operator. In the case of changing a type relevant topics are covered in the ground course or safety training and must be credited to the trainee.

**Proposal:**

Split OR.OPS.135.FC Operator conversion training and checking into two chapters; one dealing with a change of type, the other with a change or start at a new operator. Requirements from 135 should be redistributed.

comment

3013

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

1.1 The operator conversion training should include, **in the following order:**

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

**Comment:**

Delete "in the following order" as it gives no flexibility in the programs and resources used. E.g. Ground training and checking running parallel with full flight simulator sessions.

**Proposal:**

1.1 The operator conversion training should include, ~~in the following order:~~

- a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;
- b. Emergency and safety equipment training and checking, (completed before flying training commences);
- c. Flying training and checking (aircraft and/or flight simulator);
- d. Line flying under supervision and line check; and
- e. When a flight crew member has not previously completed an operator's conversion course, general first aid training and, if applicable, ditching procedures training using the equipment in water.

comment

3447

comment by: *UK CAA*

**Page No:** 86

**Paragraph No:**

AMC1 OR.OPS.135.FC para 4.1 (end of first sentence)

**Comment:**

According to the paragraph, a suitably qualified type rating instructor and/or examiner should conduct the flying training. This excludes the use of the class rating instructor and examiners for single pilot aeroplanes. The paragraph should be re-written to include the CRI and/or CRE.

**Justification:**

For the inclusion of the class rating instructor and/or examiner.

**Proposed Text (if applicable):** Amend to read;

"...out by suitably qualified *class* and type rating instructors and/or examiners."

comment

3496

comment by: IATA

1.1 The operator conversion training should include, in the following order:  
 a. Ground training and checking, including aircraft systems, and normal, abnormal and emergency procedures;  
 b. Emergency and safety equipment training and checking, (completed before flying training commences);

There is no need to complete the training under b. before simulator training.

Proposal:

Delete

2 Ground training

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, if the aircraft concerned is relatively simple, private study may be adequate if the operator provides suitable manuals and/or study notes.

This leaves the impression that only ground instruction by training staff and no CBT is permitted which would be unacceptable.

Proposal:

Delete "by training staff"

4 Flying training

4.1 Flying training should be conducted to familiarise the flight crew member thoroughly with all aspects of limitations and normal, abnormal and emergency procedures associated with the aircraft and should be carried out by suitably qualified type rating instructors and/or examiners. For specialised operations such as steep approaches, ETOPS, or operations based on QFE, additional training should be carried out, based on any additional elements of training established for the aircraft type in accordance with Part21, where they exist.

Comment:

Operations based on QFE is commonly used in normal operations.

Proposal:

Delete "or operations based on QFE,"

comment

3592

comment by: Finnish CAA

Paragraph No: AMC1 OR.OPS.135.FC 6 c.

Comment: The text appears to require dangerous goods training as part of type conversion training and assumes that some dangerous goods may be allowed in the cabin depending on the type.

Justification: Dangerous goods are either allowed in the cabin (as a permitted item of passenger baggage), or they are forbidden. The type of aircraft has no bearing on this and so if personnel still hold a valid dangerous goods training qualification no further training is required.

Proposed Text (if applicable):

Delete AMC1 OR.OPS.135.FC 6 c. and consequentially re-number subsequent paragraphs.

comment

3845

comment by: *Ryanair*

Comment Ref 3.1

In a small airline this might be possible. In an airline of any size it is not possible when flight crew and cabin crew training can be taking place half a continent apart. It is simply not practical to make this a hard and fast requirement. Has any consideration been given to the fact that a flight crew course may not be running simultaneously with a cabin crew course? What is to be done in this case? DO the flight crew sit around until a cabin crew course arrives at this stage of training. Integrated flight crew/cabin crew training is catered for adequately during recurrent training. This is the proper location for this activity. Co-ordinated activity can be instructed using audio visual training aids including movies.

Proposal

Delete section 3.1.

comment

3895

comment by: *AIR FRANCE***Relevant Text:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, if the aircraft concerned is relatively simple, private study may be adequate if the operator provides suitable manuals and/or study notes.

**Comment:**

This would preclude the use of E-Learning, CBT's or other innovative methods of training for airline operators.

**Proposal:**

2.1 Ground training should comprise a properly organised programme of ground instruction by training staff with adequate facilities, including any necessary audio, mechanical and visual aids. However, private study may be adequate if the operator provides suitable **alternative methods of training**.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - AMC2 OR.OPS.135.FC Operator conversion training and checking**

p. 87

comment

201

comment by: *ECA - European Cockpit Association*

Comment on AMC2 OR.OPS.135.FC: change as follows:

## COURSE SYLLABUS – SYSTEM PANEL OPERATORS

1 Operator conversion training for ~~system-panel operators~~ **flight engineers** should approximate to that of pilots.

2 If the flight crew includes a pilot with the duties of a ~~systems-panel operator~~ **flight engineer**, he/~~she~~ should, after training and the initial check in these duties, operate a minimum number of sectors under the supervision of a nominated additional flight crew member. The minimum figures should be specified in the Operations Manual and should be selected after due note has been taken of the complexity of the aircraft and the experience of the flight

crew member.

Justification:

Remove the term "system panel operator". The station on the a/c is a flight engineer station.

The pilot operating in this position will have been given flight engineer duty training.

OR.OPS.025FC states flight engineer and flight engineer station.

comment

2747

comment by: CAA CZ

**AMC 2 OR.OPS.135.FC:** The usage of flight engineer (as required in OR.OPS.025.FC) instead of system panel operator is recommended.

comment

3448

comment by: UK CAA

**Page No:** 87

**Paragraph No:**

AMC2 OR.OPS.135.FC

**Comment:**

The title refers to "System Panel Operators" but in OR.OPS.135.FC there is no reference to them, only to flight crew. OR.OPS.025.FC refers to Flight Engineers and if the System Panel Operator in the AMC2 refers to Flight Engineers then it should say so. Flight Engineers are classified as flight crew. It is believed that there are no aircraft in the EU that have flight crew **other** than flight engineers and pilots.

**Justification:**

Consistency of flight crew classification throughout the document.

**Proposed Text (i f applicable):** Change the title from "System Panel Operators " to "*Flight Engineers*".

comment

3497

comment by: IATA

6 Passenger handling. Other than general training on dealing with people, emphasis should be placed on the following:

- a. Advice on the recognition and management of passengers who appear or become intoxicated with alcohol, under the influence of drugs or aggressive;
- b. Methods used to motivate passengers and the crowd control necessary to expedite an aircraft evacuation;
- c. Awareness of the types of dangerous goods which may, and may not, be carried in a passenger cabin, including the completion of a dangerous goods training programme; and
- d. The importance of correct seat allocation with reference to aircraft mass and balance. Particular emphasis should also be given on the seating of special categories of passengers.

7 .....

8 Passenger briefing/safety demonstrations. Training should be given in the preparation of passengers for normal and emergency situations.

**The items No 6 and 8 are related to cabin crew.**

Proposal:  
Delete No 6 and 8

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - GM OR.OPS.135.FC (a)(2) Operator conversion training and checking**

p. 87

comment

156

comment by: *EHOc*

General Comment

The rule and the associated GM is reliant upon a nuance of the word 'during'; will it be clear to operators that if a conversion course is not completed and the pilot reverts to another type, the course has been terminated and the pilot is no longer within (or in the terminology of the rule - 'during') a conversion course.

comment

421

comment by: *CAA-NL*

Comment regarding:

2 Under certain circumstances the course may have started and reached a stage

where, for unforeseen reasons, it is not possible to complete it without a delay. In

these circumstances the operator may allow the pilot to revert to the original type.

3 Before the resumption of the operator conversion course, the operator should

evaluate how much of the course needs to be recovered before continuing with the remainder of the course.

Suggestion CAA-NL:

is not in line with EU-OPS or section 2 material OPS-1.

New topics are introduced.

These new topics should be presented via a separate new NPA in a later stage.

comment

3867

comment by: *Ryanair*

Comment ref 8

What is this section trying to achieve? Is it to train the commander in the use of the PA system to "brief" passengers on normal and emergency situations? Or is it, God forbid, a serious attempt to get flight crew actively involved in normal and emergency procedures in the cabin? Do they leave the flight deck?

Proposal

Delete paragraph 8

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - GM OR.OPS.135.FC (c) Operator conversion training and checking**

p. 87-88

comment

656

comment by: *Bristow Helicopters*

**Comment** paragraph 2.1 applies to aeroplanes only, but is included in a section applying to all aircraft categories.

**Proposed amendment**

2.1 **Aeroplanes.** The following minimum figures for details .....

comment

3449

comment by: UK CAA

**Page No:** 88

**Paragraph No:**

GM OR.OPS.135.FC (c) paragraph 2.1

**Comment:**

The paragraph offers guidelines for line flying under supervision but only for turbo-jet aircraft. Similar guidelines should be developed for all other category of aircraft (unless there is a specific reason for writing them for turbo-jets only).

**Justification:**

Consistency of guidelines across aircraft categories.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - AMC1 OR.OPS.145.FC Recurrent training and checking**

p. 88-92

comment

203

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.145.FC (3), (3.1) and (3.2): change "pilot" to "flight crew".

3 **Pilot Flight Crew** incapacitation training

3.1 Procedures should be established to train flight crew to recognise and handle ~~pilot flight crew~~ incapacitation. This training should be conducted every year and can form part of other recurrent training. It should take the form of classroom instruction, discussion or video or other similar means.

3.2 If a Flight Simulator is available for the type of aircraft operated, practical training on ~~pilot flight crew~~ incapacitation should be carried out at intervals not exceeding 3 years.

comment

296

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.145.FC: Delete points PILOTS 1.1.3, 1.4.4, 2.4 as it should be included in OR.OPS.045.FC as a general revalidation concept.

comment

297

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.145.FC 2.1.2.1 o: Transfer requirement to 2.1.2.2.

**Justification:**

Requirement is not applicable to VFR flights.

comment

298

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.145.FC 2.3.5: delete provision.

## Justification:

This is already stated in OR.OPS.145.FC (c )

comment

375

comment by: *Reto Ruesch*

OR.Ops.145

Recurrent training, 1.3.2, 3 years

Due to high number of training and checks for a crew involved in all operations we require training intervals of 5 years. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

376

comment by: *Reto Ruesch*

OR.Ops.145

Recurrent training, 2.1.2.3 Prof check night

Due to the high number of checks it shall be possible to combined with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

380

comment by: *Krikor MICHIKIAN*

Comment for 1.2.3. a)

The respective provision for Cabin Crew Members (i.e. exits operation), is more prescriptive than the provision for Flight Crew Members.

As, however, the underlying safety objective seems to be the same (Cabin Crew Members as well as Flight Crew Members should be able to operate normal and emergency exits, ***in normal as well as in emergency cases, and including possible failures of the equipment, such as a failure of the power assist systems***), the regulation should adequately reflect **this** safety objective for **both**, Cabin and Flight Crew Members.

Furthermore, as the Community Rulemaking System prevents! the existence of two different provisions when the objective of the requirement is the same (refer to NPA 2009-02a, page 10 of 123, par.24, "...separate sets of provisions shall only exist when the requirements are different..."), the present wording for Flight Crew Members seems that does not address the subject adequately, and should we need the same safety objectives to apply for Flight Crew Members, the wording should be the same as for Cabin Crew Members.

comment

422

comment by: *CAA-NL*

Comment regarding:

1.2.4 The successful resolution of aircraft emergencies requires interaction between flight crew and cabin/technical crew and emphasis should be placed on the importance of effective coordination and twoway communication between all crew members in various emergency situations.

1.2.5 Emergency and Safety Equipment training should include joint practice in aircraft evacuations so that all who are involved are aware of the duties other crew members should perform. When such practice is not possible, combined flight crew and cabin/technical crew training should include joint discussion of emergency scenarios.

Suggestion CAA-NL:

is not in line with EU-OPS or section 2 material OPS-1.

New topics are introduced.

These new topics should be presented via a separate new NPA in a later stage.

Comment regarding:

2.1.1.5 Operator proficiency checks should be conducted by a type rating examiner (TRE), a class rating examiner (CRE) or a synthetic flight examiner (SFE), as applicable.

Suggestion:

For A-to-A operators, a person appointed by the compagny

Reason:

In line with EU-OPS

comment

423

comment by: CAA-NL

Comment regarding:

Line checks should be conducted by a pilotincommand nominated by the operator.

Add:

...acceptable to the Authority

Reason:

In line with EU-OPS

comment

489

comment by: Heli Gotthard

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

490

comment by: Heli Gotthard

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National

Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

513

comment by: *Stefan Huber*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

514

comment by: *Stefan Huber*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

536

comment by: *Air Zermatt*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

537

comment by: *Air Zermatt*

Recurrent training, 2.1.2.3 Prof check night

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training

(annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

570

comment by: *Air-Glaciers (pf)*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

571

comment by: *Air-Glaciers (pf)*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

617

comment by: *claire.amos*

1.2.3:

Relevance to Operation: In what circumstance would this situation arise during a flight? Inflight, the CC would fight a fire. On the ground, the flt crew would evacuate the a/c. Therefore this training is not relevant to our operation. Suggest making fire fighting training relevant to operation.

Clarification required on the term 'smoke filled cabin' with regard to density of smoke. There are serious Health and Safety' concerns regarding carrying out fire fighting drills in this environment.

1.2.4:

Question: What is the value of this training as it is not relevant to our operation? Inflight, the Cabin Crew would manage a first aid situation. on the ground an ambulance could be called.

Cost impact: the addition of First Aid into triennial recurrent training will increase the duration of the course by one day.

comment

662

comment by: *Bristow Helicopters*

**Comment** Paragraph 1.2.3 a. requires every 3 years the actual operation of all types of exits. There are no suitable training aids available for helicopters and conducting the training on an actual line aircraft results in many hours maintenance and the possibility of damage to the mechanisms due to the varying types of exits fitted to helicopters. Effective training can also be achieved by a combination of CBT/video training reinforced by touch drill training on the actual aircraft without the need to physically operate the mechanisms and jettison the exits.

**Proposed amendment**

1.2.3 a. Actual operation of all types of exits, **or for helicopters, demonstration of the method of operation by means of video or CBT, combined with touch drill training conducted on the helicopter.**

comment

669

comment by: *Bristow Helicopters*

**Comment** Operator Proficiency Check Helicopters 2.1.2.1 item s. "Settling with power" and t. "Loss of tail rotor effectiveness". These items are additional to current JAR-OPS 3 requirements and are more appropriate to recurrent aircraft/FSTD training than the OPC. They can only be safely practised in an FSTD which has this capability. Since LTE is a combination of aerodynamic and atmospheric effects, not all FSTD will be able to adequately replicate this effect.

**Proposed amendment** Remove items s and t from the Helicopter OPC schedule and include in aircraft/FSTD training instead. To accommodate this, restructure AMC1 OR.OPS.145.FC Section 1.4 as follows

1.4 Aircraft/FSTD training

**1.4.1 General**

**1.4.1.1** The aircraft/FSTD training programme should be established in a way that all major failures of aircraft systems and associated procedures will have been covered in the preceding 3 year period.

**1.4.1.2** When engine out manoeuvres are carried out in an aircraft, the engine failure should be simulated.

**1.4.1.3** Aircraft/FSTD training may be combined with the operator proficiency check

**1.4.1.4** When the aircraft/FSTD training is conducted within 3 calendar months prior to the expiry of the 12 calendar months period, the next aircraft/FSTD training should be completed within 12 calendar months of the original expiry date of the previous training.

**1.4.2 Helicopters**

**1.4.2.1** Where a suitable FSTD is available, it should be used for the aircraft/FSTD training programme unless discounted by risk assessment taking into account the complexity of the helicopter;

**1.4.2.2** The recurrent training should include the following additional items, which should be completed in an FSTD:

**a. Settling with power and vortex ring;**

**b. Loss of tail rotor effectiveness;**

**c. Ground resonance;**

**d. Where operations at night to offshore installations are conducted, training in night deck take-off and landing procedures including recovery from disorientation and/or unusual attitudes;**

**e. Where IFR operations are conducted, training in the visual landing from an instrument approach with the weather conditions at minima;**

**Justification** I assume that the items "settling with power" and "LTE" were inserted into the helicopter OPC schedule to address incidents or accidents associated with these items. Equally, there have been incidents and accidents associated with the above additional items, and they should therefore form part of the recurrent training programme. All items above can only be achieved effectively and safely in an FSTD. Item 1.4.2.1 above refers to my previous comment number 651 on the subject of use of FSTD's in helicopter training. Item e. is not currently covered in either FCL IR course or the Operator Training, since training approaches tend to culminate in either go around under the screens, landing by the instructor pilot, or landing by the trainee but with no weather considerations. The transition from IFR approach

to visual landing at DA/MDA in marginal weather conditions has the potential for error unless specific training is in place. Such training is also necessary for the progression of new co-pilots in multi-pilot operations, otherwise there is no controlled method by which they can safely gain such experience.

comment

670

comment by: *Bristow Helicopters*

**Comment** 2.1.2.2 Item a. specifies that the precision approach must include a simulated engine failure. This is unnecessarily restrictive and not representative of real world conditions, where engine failures may occur during any form of approach. Part FCL already allows the engine failure to be included in either precision or non precision approach, and this should be reflected in the OPC.

**Proposed Amendment**

a. Precision approach to minima ~~with, in the case of multi-engine helicopters, a simulated failure of one engine;~~

b. Go-around on instruments from minima with, in the case of multi-engine helicopters, a simulated failure of one engine;

c. Non precision approach to minima;

**d. In the case of multi-engine helicopters, a simulated failure of one engine to be included in either the precision or non precision approach to minima;**

e. Landing with a simulated failure of one or more engines; and

f. Where appropriate to the helicopter type, approach with flight control system/flight director system malfunctions, flight instrument and navigation equipment failures.

**Justification** This flexibility is allowed under Part FCL during the IR recurrent check, and is offers more realistic training and checking. The same should also be applied to the Aeroplane OPC schedule.

comment

671

comment by: *Bristow Helicopters*

**Comment** Section 4.2. specifies that FSTD content of the training programme must be delivered by an SFI. There is no reason why an FI or TRI cannot deliver FSTD training, either from the instructor station if he/she has completed an IOS course, or from a pilots seat if a qualified IOS operator is also carried.

**Proposed amendment**

4.2 Flying Training - by a Flight Instructor (FI), Type Rating Instructor (TRI) or Class Rating Instructor (CRI) or, in the case of FSTD content, a Synthetic Flight Instructor (SFI), **FI, TRI or CRI, .....**

comment

673

comment by: *Bristow Helicopters*

**Comment** 2.3.2 CRM assessment should not be limited to the Line Check and an alternative of assessing CRM during FSTD proficiency checks should be allowed. Helicopters in particular have less ability for the CRM assessor to occupy an observers seat or suitable passenger seat due to payload and seat configuration factors. The EASA rule 2.3.6 has removed the option of assessing CRM whilst occupying a pilots seat, which was available in JAR-OPS 3. Helicopter operators therefore need the option to assess CRM during proficiency checks conducted in FSTD. The best way to incorporate this possibility, whilst retaining the existing text relating to CRM assessment during the Line Check, would be to amend AMC OR.OPS.030.FC paragraph 8.5 and AMC1 OR.OPS.145.FC 2.3.2 as follows:

**Proposed Amendment**

AMC OR.OPS.030.FC

8.5 methodology of CRM skills assessment:

a. unchanged;

b. unchanged;

c. The assessment should be based on the following principles:

iii. assessments should include behaviour which contributes to a technical failure, such technical failure being errors leading to an event which requires debriefing by the person conducting the line check;

**iv. assessment may be conducted during the line check, or during the proficiency check conducted in an FSTD;**

v. the crew and, where needed, the individual are verbally debriefed.

AMC1 OR.OPS.145.FC

2.3.2 **Unless previously assessed during a proficiency check, the flight crew should be assessed on their CRM skills in accordance .....**

**Justification** Assessment of CRM skill during a proficiency check conducted in an FSTD is an equally valid method. It affords the TRE (who is also trained to instruct and assess CRM) an opportunity to observe a crew conducting normal, abnormal and emergency procedures in a realistic scenario, which is arguably more effective for CRM assessment than the Line Check. Also, AMC OR.OPS.030.FC 8.9 already establishes the principle of assessing CRM during proficiency checks.

comment

696

comment by: *Dassault Aviation*

Technical comment.

Page 92 AMC1 OR.OPS.145.FC §3 on Pilot Incapacitation: for consistency purposes, this §3 should only be applicable if flight crew members is 2 pilots or more, since OR.OPS.115.FC §(c) allows only 1 pilot in CAT under certain circumstances.

comment

795

comment by: *Heli Gotthard AG Erstfeld*

OR.Ops.145

Recurrent training, 1.3.2, 3 years

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

796

comment by: *Heli Gotthard AG Erstfeld*

OR.Ops.145

Recurrent training, 2.1.2.3 Prof check night

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check

valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

816

comment by: *SHA (AS)*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

817

comment by: *SHA (AS)*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

838

comment by: *Berner Oberländer Helikopter AG BOHAG*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

839

comment by: *Berner Oberländer Helikopter AG BOHAG*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

902

comment by: *ECA - European Cockpit Association*

Comment on AMC1 OR.OPS.145.FC 4.5.: transfer to IR and change text as

follows:

4.5 Recurrent checking ~~should~~**shall** be conducted by the following personnel:  
 4.5.1 Operator proficiency check – by a Type Rating Examiner (TRE), Class Rating Examiner (CRE) or, if the check is conducted in a FSTD, a TRE, CRE or a Synthetic Flight Examiner (SFE), trained in CRM concepts and the assessment of CRM skills;

Justification:

It is not acceptable to be checked by any other kind of personnel; so this text must be part of the IR.

comment

936

comment by: *Heliswiss AG, Belp*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

937

comment by: *Heliswiss AG, Belp*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

974

comment by: *Heliswiss*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

975

comment by: *Heliswiss*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6

months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

998

comment by: *Heliswiss NV*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

999

comment by: *Heliswiss NV*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1026

comment by: *Dirk Hatebur*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1027

comment by: *Dirk Hatebur*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 1056 comment by: AEA

**Relevant Text:**

1.2.3 Every 3 years the programme of training should include the following:

- a. Actual operation of all types of exits;
- b. Demonstration of the method used to operate a slide where fitted;
- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;

**Comment:**

An exception for Halon extinguisher is needed due to environmental protection

**Proposal:**

c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire; except that with halon extinguishers, an alternative method may be used

comment 1057 comment by: AEA

**Relevant Text:**

g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.

**Comment:**

Recurrent First Aid Training is a new requirement to flight crew. The form of appropriate training is not mentioned. For passenger operator Cabin crew members are trained to provide first aid

**Proposal:**

Delete : g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.

comment 1058 comment by: AEA

**Relevant Text:**

2.3.7 Where a pilot is required to operate as pilot flying and pilot non-flying, he should be checked on one sector as pilot flying and on another sector as pilot non-flying.

However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation and that each pilot performs both flying and non-flying duties on the same sector, then the line check may be performed on a single sector.

**Comment:**

Limiting the performance of single sector Line Checks to special operator's procedures is not reasonable. The regulator should aim for a level playing field.

**Proposal:**

However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation, then the line check may be performed on a single sector, provided that each pilot performs both flying and non-flying duties on this sector .

comment 1144 comment by: Austro Control GmbH

General comment to 2.3.2:

an assessment of a flight crew cannot be performed on aeroplanes without an observer's seat.

In that case the person conducting the line check is part of the flight crew and only one crew member will be checked.

This seems to be in contradiction to the checking of CRM-skills.

comment 1175

comment by: AEA

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following new AMC material based on Appendix 1 to EU-OPS 1.978 and the associated guidance material in JAA TGL 44 to complement the new regulation OR.OPS.150.FC (see previous comment on OR OPS 145 FC)

**AMC OR.OPS.150.FC - Alternative training and qualification programme****(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:**

1. Low Visibility Operations – Training and Qualifications.
2. Conversion training and checking.
3. Differences training and familiarisation training.
4. Nomination as commander.
5. Recurrent training and checking.
6. Operation on more than one type or variant.

**(b) Components of the ATQP – an alternative training and qualification programme shall comprise the following:**

1. Documentation that details the scope and requirements of the programme;
2. A task analysis to determine the tasks to be analysed in terms of:
  - (i) knowledge;
  - (ii) the required skills;
  - (iii) the associated skill based training;
 and, where appropriate
  - (iv) the validated behavioural markers.
3. Curricula – the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;
4. A specific training programme for:
  - (i) each aeroplane type/class within the ATQP;
  - (ii) the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating – CRI/SFI/TRI), and other personnel undertaking flight crew instruction;
  - (iii) the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner – CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;
5. A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;

6. A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OPS 1.965;
7. An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;
8. A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;
9. A data monitoring/analysis programme.

**(c) Implementation**

The operator shall develop an evaluation and implementation strategy acceptable to the Authority;

the following requirements shall be fulfilled:

1. The implementation process shall include the following stages:

(i) a safety case that substantiates the validity of:

(A) the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.

(B) any new training methods implemented as part of ATQP.

If approved by the Authority the operator may establish an equivalent method other than a formal safety case.

(ii) Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.

(iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;

2. The operator may then be approved to conduct training and qualification as specified under the ATQP.

**(d) Terminology**

1 Line Oriented Evaluation (LOE). LOE is an evaluation methodology used in the ATQP to evaluate

trainee performance, and to validate trainee proficiency. LOEs consist of flight simulator scenarios that are developed by the operator in accordance with a methodology approved as part of the ATQP. The LOE should be realistic and include appropriate weather scenarios and in addition should fall within an acceptable range of difficulty. The LOE should include the use of validated event sets to provide the basis for event based assessment. See paragraph 4 below.

2 Line Oriented Quality Evaluation (LOQE). LOQE is one of the tools used to help evaluate the

overall performance of an operation. LOQEs consist of line flights that are observed by appropriately

qualified operator personnel to provide feedback to validate the ATQP. The LOQE should be designed to look at those elements of the operation that are unable to be monitored by FDM or Advanced FDM programmes.

3 Skill based training. Skill based training requires the identification of specific knowledge and skills.

The required knowledge and skills are identified within an ATQP as part of a task analysis and are used to provide targeted training.

4 Event based Assessment. This is the assessment of flight crew to provide assurance that the

*required knowledge and skills have been acquired. This is achieved within an LOE. Feedback to the flight crew is an integral part of event based assessment.]*

**(e) Requirements, Scope and Documentation of the Programme**

*The documentation should demonstrate how the operator should establish the scope and requirements of the programme. The documentation should include:*

*1 How the ATQP should enable the operator to establish an alternative training programme that substitutes the requirements as listed in OR-OPS. The programme should demonstrate that the operator is able to improve the training and qualification standards of flight crew to a level that exceeds the standard prescribed in OR-OPS.*

*2 The operator's training needs and established operational and training objectives.*

*3 How the operator defines the process for designing of and gaining approval for the operator's flight crew qualification programmes. This should include quantified operational and training objectives identified by the operator's internal monitoring programmes. External sources may also be used.*

*4 How the programme will:*

- a. Enhance safety;*
- b. Improve training and qualification standards of flight crew;*
- c. Establish attainable training objectives;*
- d. Integrate CRM in all aspects of training;*
- e. Develop a support and feedback process to form a self-correcting training system;*
- f. Institute a system of progressive evaluations of all training to enable consistent and uniform monitoring of the training undertaken by flight crew;*
- g. Enable the operator to be able to respond to the new aeroplane technologies and changes in the operational environment;*
- h. Foster the use of innovative training methods and technology for flight crew instruction and the evaluation of training systems;*
- i. Make efficient use of training resources, specifically to match the use of training media to the training needs.*

**(f) Task Analysis**

*For each aeroplane type/class to be included within the ATQP the operator should establish a systematic review that determines and defines the various tasks to be undertaken by the flight crew when operating that type(s)/class. Data from other types/class may also be used. The analysis should determine and describe the knowledge and skills required to complete the various tasks specific to the aeroplane type/class and/or type of operation. In addition the analysis should identify the appropriate behavioural markers that should be exhibited. The task analysis should be suitably validated in accordance with paragraph (c)(iii). The task analysis, in conjunction with the data gathering programme(s) permit the operator to establish a programme of targeted training together with the associated training objectives described in paragraph (g) below.*

**(g) Training Programme**

*The training programme should have the following structure:*

- 1 Curriculum.*

- 1.1 Daily lesson plan.
- 2 The curriculum should specify the following elements:
  - 2.1 Entry requirements: A list of topics and content, describing what training level will be required before start or continuation of training.
  - 2.2 Topics: A description of what will be trained during the lesson;
  - 2.3 Targets/Objectives
    - a. Specific target or set of targets that have to be reached and fulfilled before the training course can be continued.
    - b. Each specified target should have an associated objective that is identifiable both by the flight crew and the trainers.
    - c. Each qualification event that is required by the programme should specify the training that is required to be undertaken and the required standard to be achieved. (See paragraph j below)
- 3 Each lesson/course/training or qualification event should have the same basic structure. The topics related to the lesson have to be listed and the lesson targets should be unambiguous.
- 4 Each lesson/course or training event whether classroom, CBT or simulator should specify the required topics with the relevant targets to be achieved.

**(h) Training Personnel**

- 1 Personnel who perform training and checking of flight crew in an operator's ATQP should receive the following additional training on:
  - 1.1 ATQP principles and goals;
  - 1.2 Knowledge/skills/behaviour as learned from task analysis;
  - 1.3 LOE/ LOFT Scenarios to include triggers / markers / event sets / observable behaviour;
  - 1.4 Qualification standards;
  - 1.5 Harmonisation of assessment standards;
  - 1.6 Behavioural markers and the systemic assessment of CRM;
  - 1.7 Event sets and the corresponding desired knowledge/skills and behaviour of the flight crew;
  - 1.8 The processes that the operator has implemented to validate the training and qualification standards and the instructors part in the ATQP quality control; and
  - 1.9 LOQE.

**(i) Feedback Loop**

- 1 The feedback should be used as a tool to validate that the curricula are implemented as specified by the ATQP; this enables substantiation of the curriculum, and that proficiency and training objectives have been met. The feedback loop should include data from operations flight data monitoring, advanced FDM programme and LOE/LOQE programmes. In addition the evaluation process shall describe whether the overall targets/objectives of training are being achieved and shall prescribe any corrective action that needs to be undertaken.
- 2 The programmes established quality control mechanisms should at least review the following:
  - 2.1 Procedures for approval of recurrent training;
  - 2.2 ATQP instructor training approvals;
  - 2.3 Approval of event set(s) for LOE/LOFT;
  - 2.4 Procedures for conducting LOE and LOQE.

**(j) Crew Performance Measurement and Evaluation**

1 The qualification and checking programmes should include at least the following elements:

1.1 A specified structure;

1.2 Elements to be tested/examined;

1.3 Targets and/or standards to be attained;

1.4 The specified technical and procedural knowledge and skills, and behavioural markers to be exhibited.

2 An LOE event should comprise of tasks and sub-tasks performed by the crew under a specified set

of conditions. Each event has one or more specific training targets/objectives, which require the

performance of a specific manoeuvre, the application of procedures, or the opportunity to practise cognitive, communication or other complex skills. For each event the proficiency that is required to be achieved should be established.

Each event should include a range of circumstances under which the crews' performance is to be measured and evaluated. The conditions pertaining to each event should also be established and they may include the prevailing meteorological conditions (ceiling, visibility, wind, turbulence etc.); the operational environment (navigation aid inoperable etc.); and the operational contingencies (non-normal operation etc).

3 The markers specified under the operator's ATQP should form one of the core elements in

determining the required qualification standard. A typical set of markers are shown in the table below:

<b>EVENT</b>	<b>MARKER</b>
Awareness	1 Monitors and reports changes in automation status.
of Aeroplane Systems:	2 Applies closed loop principle in all relevant situations.
	3 Uses all channels for updates.
	4 Is aware of remaining technical resources

4 The topics / targets integrated into the curriculum have to be measurable and progression on any

training/course is only allowed if the targets are fulfilled.

### **(k) Data Monitoring/Analysis Programme**

1 The data analysis programme should consist of:

1.1 A Flight Data Monitoring (FDM) programme: This programme should include systematic evaluation of operational data derived from equipment that is able to record the flight profile and relevant operational information during flights conducted by the operator's aeroplane. Data collection should reach a minimum of 60% of all relevant flights conducted by the operator before ATQP approval is granted. This proportion may be increased at the discretion of the Authority.

1.2 An Advanced FDM when an extension to the ATQP is requested: An advanced FDM programme is determined by the level of integration with other safety initiatives implemented by the operator, such as the operator's Quality System. The programme should include both systematic evaluations of data from an FDM programme and flight crew training events for the relevant crews. Data collection should reach a minimum of 80% of all relevant flights and training conducted by the operator. This proportion may be varied at the discretion of the Authority.

*2 The purpose of either an FDM or advanced FDM programme is to enable the operator to:*

- 2.1 Provide data to support the programme's implementation and justify any changes to the ATQP;*
- 2.2 Establish operational and training objectives based upon an analysis of the operational environment;*
- 2.3 Monitor the effectiveness of flight crew training and qualification.*

*3 Data Gathering.*

*3.1 FDM programmes should include a system that captures flight data, and then transforms the data into an appropriate format for analysis. The programme should generate information to assist the operations safety personnel in analysing the data. The analysis should be made available to the ATQP postholder.*

*3.2 The data gathered should:*

- a. Include all fleets that plan to operate under the ATQP;*
- b. Include all crews trained and qualified under the ATQP;*
- c. Be established during the implementation phase of ATQP; and*
- d. Continue throughout the life of the ATQP.*

*4 Data Handling.*

*4.1 The operator should establish a process, which ensures the strict adherence to any data handling protocols, agreed with flight crew representative bodies, to ensure the confidentiality of individual flight crew members.*

*4.2 The data handling protocol should define the maximum period of time that detailed FDM or advanced FDM programme data, including exceedences, should be retained. Trend data may be retained permanently.*

*5 An operator that has an acceptable operations flight data monitoring programme prior to the proposed introduction of ATQP may, with the approval of the Authority, use relevant data from other fleets not part of the proposed ATQP.*

### **(I) Safety Case**

*1.1 A documented body of evidence that provides a demonstrable and valid justification that the programme (ATQP) is adequately safe for the given type of operation. The safety case should encompass each phase of implementation of the programme and be applicable over the lifetime of the programme that is to be overseen.*

*1.2 The safety case should:*

- a. Demonstrate the required level of safety;*
- b. Ensure the required safety is maintained throughout the lifetime of the programme;*
- c. Minimise risk during all phases of the programmes implementation and operation.*

*2 Elements of a Safety Case:*

*2.1 Planning: Integrated and planned with the operation (ATQP) that is to be justified;*

*2.2 Criteria: Develop the applicable criteria - see paragraph 3 below;*

*2.3 Documentation: Safety related documentation – including a safety checklist;*

*2.4 Programme of implementation: To include controls and validity checks;*

*2.5 Oversight: Review and audits.*

*3 Criteria for the establishment of a Safety Case.*

*3.1 The Safety Case should:*

- a. Be able to demonstrate that the required or equivalent level of safety is maintained throughout all phases of the programme, including as required by paragraph (c) below;*
- b. Be valid to the application and the proposed operation (ATQP);*
- c. Be adequately safe and ensure the required regulatory safety standards or approved equivalent safety standards are achieved;*
- d. Be applicable over the entire lifetime of the programme;*
- e. Demonstrate Completeness and Credibility of the programme;*
- f. Be fully documented;*
- g. Ensure integrity of the operation and the maintenance of the operations and training infra-structure;*
- h. Ensure robustness to system change;*
- i. Address the impact of technological advance, obsolescence and change;*
- j. Address the impact of regulatory change.*

*4 In accordance with paragraph (c) the operator may develop an equivalent method other than that specified above.*

comment

1319

comment by: Catherine Nussbaumer

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1320

comment by: Catherine Nussbaumer

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

1343

comment by: Jan Brühlmann

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years).

comment

1344

comment by: *Jan Brühlmann*

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comment

1365

comment by: *Walter Mayer, Heliswiss*

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comment

1366

comment by: *Walter Mayer, Heliswiss*

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comment

1392

comment by: *AEA*

**Relevant Text:**

1.1 Ground training.

1.1.1 The ground training programme should include:

- a. Aircraft systems;
- b. Operational procedures and requirements including **ground de-icing/anti-icing and pilot incapacitation;** and
- c. Accident/Incident and occurrence review.

**Comment:**

it speaks at the end of the text about "ground de-icing/anti-icing and pilot incapacitation..". Does this wording belong here?

comment

1426

comment by: *UK CAA*

**Page No: 88**

**Paragraph No:**

AMC1 OR.OPS.145.FC Recurrent training and checking

**Comment:**

The requirement for crews to operate all types of exits every three years is no longer a practical rule for some helicopters, with multiple exits and practical complications of maintenance requirements, seal replacement etc.

**Justification:**

Many modern helicopters have emergency exits jettison and opening systems that do not lend themselves to repeated use: indeed the S92 cockpit jettison window can take some 10 man hours to replace. Furthermore the passengers seated adjacent to emergency windows never actually practice jettisoning the windows. An alternative AMC should be allowed.

comment

1557

comment by: *Pascal DREER*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

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comment

1658

comment by: *TAP Portugal***Relevant Text:**

1.2.3 Every 3 years the programme of training should include the following:

- a. Actual operation of all types of exits;
- b. Demonstration of the method used to operate a slide where fitted;
- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;

**Comment:**

An exception for Halon extinguisher is needed due to environmental protection

**Proposal:**

- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire; except that with halon extinguishers, an alternative method may be used

comment

1659

comment by: *TAP Portugal***Relevant Text:**

- g. First aid, appropriate to the aircraft type, the kind of operation and crew

complement.

**Comment:**

Recurrent First Aid Training is a new requirement to flight crew. The form of appropriate training is not mentioned. For passenger operator Cabin crew members are trained to provide first aid

**Proposal:**

Delete : g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.

comment

1660

comment by: TAP Portugal

**Relevant Text:**

2.3.7 Where a pilot is required to operate as pilot flying and pilot non-flying, he should be checked on one sector as pilot flying and on another sector as pilot non-flying.

However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation and that each pilot performs both flying and non-flying duties on the same sector, then the line check may be performed on a single sector.

**Comment:**

Limiting the performance of single sector Line Checks to special operator's procedures is not reasonable. The regulator should aim for a level playing field.

**Proposal:**

However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation, then the line check may be performed on a single sector, provided that each pilot performs both flying and non-flying duties on this sector .

comment

1667

comment by: TAP Portugal

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification. We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following new AMC material based on Appendix 1 to EU-OPS 1.978 and the associated guidance material in JAA TGL 44 to complement the new regulation OR.OPS.150.FC (see previous comment on OR OPS 145 FC)

**AMC OR.OPS.150.FC - Alternative training and qualification programme**  
**(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:**

1. Low Visibility Operations –Training and Qualifications.
2. Conversion training and checking.
3. Differences training and familiarisation training.
4. Nomination as commander.
5. Recurrent training and checking.
6. Operation on more than one type or variant.

**(b) Components of the ATQP — an alternative training and qualification programme shall comprise the following:**

1. Documentation that details the scope and requirements of the programme;
2. A task analysis to determine the tasks to be analysed in terms of:
  - (i) knowledge;
  - (ii) the required skills;
  - (iii) the associated skill based training;
 and, where appropriate
  - (iv) the validated behavioural markers.
3. Curricula — the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;
4. A specific training programme for:
  - (i) each aeroplane type/class within the ATQP;
  - (ii) the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating — CRI/SFI/TRI), and other personnel undertaking flight crew instruction;
  - (iii) the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner — CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;
5. A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;
6. A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OPS 1.965;
7. An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;
8. A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;
9. A data monitoring/analysis programme.

**(c) Implementation**

The operator shall develop an evaluation and implementation strategy acceptable to the Authority;

the following requirements shall be fulfilled:

1. The implementation process shall include the following stages:
  - (i) a safety case that substantiates the validity of:
    - (A) the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.
    - (B) any new training methods implemented as part of ATQP.
 If approved by the Authority the operator may establish an equivalent method other than a formal safety case.
  - (ii) Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.
  - (iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;
2. The operator may then be approved to conduct training and qualification as specified under the ATQP.

**(d) Terminology**

1 Line Oriented Evaluation (LOE). LOE is an evaluation methodology used in the ATQP to evaluate trainee performance, and to validate trainee proficiency. LOEs consist of flight simulator scenarios that are developed by the operator in

accordance with a methodology approved as part of the ATQP. The LOE should be realistic and include appropriate weather scenarios and in addition should fall within an acceptable range of difficulty. The LOE should include the use of validated event sets to provide the basis for event based assessment. See paragraph 4 below.

2 Line Oriented Quality Evaluation (LOQE). LOQE is one of the tools used to help evaluate the overall performance of an operation. LOQEs consist of line flights that are observed by appropriately qualified operator personnel to provide feedback to validate the ATQP. The LOQE should be designed to look at those elements of the operation that are unable to be monitored by FDM or Advanced FDM programmes.

3 Skill based training. Skill based training requires the identification of specific knowledge and skills.

The required knowledge and skills are identified within an ATQP as part of a task analysis and are used to provide targeted training.

4 Event based Assessment. This is the assessment of flight crew to provide assurance that the required knowledge and skills have been acquired. This is achieved within an LOE. Feedback to the flight crew is an integral part of event based assessment.]

**(e) Requirements, Scope and Documentation of the Programme**

The documentation should demonstrate how the operator should establish the scope and requirements of the programme. The documentation should include:

1 How the ATQP should enable the operator to establish an alternative training programme that substitutes the requirements as listed in OR-OPS. The programme should demonstrate that the operator is able to improve the training and qualification standards of flight crew to a level that exceeds the standard prescribed in OR-OPS.

2 The operator's training needs and established operational and training objectives.

3 How the operator defines the process for designing of and gaining approval for the operator's flight crew qualification programmes. This should include quantified operational and training objectives identified by the operator's internal monitoring programmes. External sources may also be used.

4 How the programme will:

- a. Enhance safety;
- b. Improve training and qualification standards of flight crew;
- c. Establish attainable training objectives;
- d. Integrate CRM in all aspects of training;
- e. Develop a support and feedback process to form a self-correcting training system;
- f. Institute a system of progressive evaluations of all training to enable consistent and uniform monitoring of the training undertaken by flight crew;
- g. Enable the operator to be able to respond to the new aeroplane technologies and changes in the operational environment;
- h. Foster the use of innovative training methods and technology for flight crew instruction and the evaluation of training systems;
- i. Make efficient use of training resources, specifically to match the use of training media to the training needs.

**(f) Task Analysis**

For each aeroplane type/class to be included within the ATQP the operator should establish a systematic review that determines and defines the various tasks to be undertaken by the flight crew when operating that type(s)/class. Data from other types/class may also be used. The analysis should determine and describe the knowledge and skills required to complete the various tasks specific to the aeroplane type/class and/or type of operation. In addition the analysis should identify the appropriate behavioural markers that should be exhibited. The task analysis should be suitably validated in accordance with

paragraph (c)(iii). The task analysis, in conjunction with the data gathering programme(s) permit the operator to establish a programme of targeted training together with the associated training objectives described in paragraph (g) below.

**(g) Training Programme**

The training programme should have the following structure:

1 Curriculum.

1.1 Daily lesson plan.

2 The curriculum should specify the following elements:

2.1 Entry requirements: A list of topics and content, describing what training level will be required before start or continuation of training.

2.2 Topics: A description of what will be trained during the lesson;

2.3 Targets/Objectives

a. Specific target or set of targets that have to be reached and fulfilled before the training course can be continued.

b. Each specified target should have an associated objective that is identifiable both by the flight crew and the trainers.

c. Each qualification event that is required by the programme should specify the training that is required to be undertaken and the required standard to be achieved. (See paragraph j below)

3 Each lesson/course/training or qualification event should have the same basic structure. The topics related to the lesson have to be listed and the lesson targets should be unambiguous.

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1.7 Event sets and the corresponding desired knowledge/skills and behaviour of the flight crew;

1.8 The processes that the operator has implemented to validate the training and qualification standards and the instructors part in the ATQP quality control; and

1.9 LOQE.

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3.1 FDM programmes should include a system that captures flight data, and then transforms the data into an appropriate format for analysis. The

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1.2 The safety case should:

- a. Demonstrate the required level of safety;
- b. Ensure the required safety is maintained throughout the lifetime of the programme;
- c. Minimise risk during all phases of the programmes implementation and operation.

2 Elements of a Safety Case:

2.1 Planning: Integrated and planned with the operation (ATQP) that is to be justified;

2.2 Criteria: Develop the applicable criteria - see paragraph 3 below;

2.3 Documentation: Safety related documentation – including a safety checklist;

2.4 Programme of implementation: To include controls and validity checks;

2.5 Oversight: Review and audits.

3 Criteria for the establishment of a Safety Case.

3.1 The Safety Case should:

- a. Be able to demonstrate that the required or equivalent level of safety is maintained throughout all phases of the programme, including as required by paragraph (c) below;
- b. Be valid to the application and the proposed operation (ATQP);
- c. Be adequately safe and ensure the required regulatory safety standards or approved equivalent safety standards are achieved;
- d. Be applicable over the entire lifetime of the programme;
- e. Demonstrate Completeness and Credibility of the programme;
- f. Be fully documented;
- g. Ensure integrity of the operation and the maintenance of the operations and training infra-structure;
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- i. Address the impact of technological advance, obsolescence and change;
- j. Address the impact of regulatory change.

4 In accordance with paragraph (c) the operator may develop an equivalent method other than that specified above.

- comment 1668 comment by: TAP Portugal
- Relevant Text:**  
 1.1 Ground training.  
 1.1.1 The ground training programme should include:  
 a. Aircraft systems;  
 b. Operational procedures and requirements including **ground de-icing/anti-icing and pilot incapacitation**; and  
 c. Accident/Incident and occurrence review.  
**Comment:**  
 it speaks at the end of the text about "ground de-icing/anti-icing and pilot incapacitation..". Does this wording belong here?
- comment 2169 comment by: AUSTRIAN Airlines
- Relevant Text:**  
 1.2.3 Every 3 years the programme of training should include the following:  
 a. Actual operation of all types of exits;  
 b. Demonstration of the method used to operate a slide where fitted;  
 c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;  
**Comment:**  
 An exception for Halon extinguisher is needed due to environmental protection  
**Proposal:**  
 c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire; except that with halon extinguishers, an alternative method may be used
- comment 2170 comment by: AUSTRIAN Airlines
- Relevant Text:**  
 g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.  
**Comment:**  
 Recurrent First Aid Training is a new requirement to flight crew. The form of appropriate training is not mentioned. For passenger operator Cabin crew members are trained to provide first aid  
**Proposal:**  
 Delete : g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.
- comment 2171 comment by: AUSTRIAN Airlines
- Relevant Text:**  
 2.3.7 Where a pilot is required to operate as pilot flying and pilot non-flying, he should be checked on one sector as pilot flying and on another sector as pilot non-flying.  
 However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation and that each pilot performs both flying and non-flying duties on the same sector, then the line check may be performed on a single sector.  
**Comment:**  
 Limiting the performance of single sector Line Checks to special operator's procedures is not reasonable. The regulator should aim for a level playing field.  
**Proposal:**  
 However, where an operator's procedures require integrated flight preparation,

integrated cockpit initialisation, then the line check may be performed on a single sector, provided that each pilot performs both flying and non-flying duties on this sector

comment 2172

comment by: AUSTRIAN Airlines

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification. We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following new AMC material based on Appendix 1 to EU-OPS 1.978 and the associated guidance material in JAA TGL 44 to complement the new regulation OR.OPS.150.FC (see previous comment on OR OPS 145 FC)

**AMC OR.OPS.150.FC - Alternative training and qualification programme**  
**(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:**

1. *Low Visibility Operations – Training and Qualifications.*
2. *Conversion training and checking.*
3. *Differences training and familiarisation training.*
4. *Nomination as commander.*
5. *Recurrent training and checking.*
6. *Operation on more than one type or variant.*

**(b) Components of the ATQP – an alternative training and qualification programme shall comprise the following:**

1. *Documentation that details the scope and requirements of the programme;*
2. *A task analysis to determine the tasks to be analysed in terms of:*
  - (i) *knowledge;*
  - (ii) *the required skills;*
  - (iii) *the associated skill based training;**and, where appropriate*
  - (iv) *the validated behavioural markers.*
3. *Curricula — the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;*
4. *A specific training programme for:*
  - (i) *each aeroplane type/class within the ATQP;*
  - (ii) *the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating — CRI/SFI/TRI), and other personnel undertaking flight crew instruction;*
  - (iii) *the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner — CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;*
5. *A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;*
6. *A method for the assessment of flight crew both during conversion and*

recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OPS 1.965;

7. An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;

8. A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;

9. A data monitoring/analysis programme.

**(c) Implementation**

The operator shall develop an evaluation and implementation strategy acceptable to the Authority;

the following requirements shall be fulfilled:

1. The implementation process shall include the following stages:

(i) a safety case that substantiates the validity of:

(A) the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.

(B) any new training methods implemented as part of ATQP.

If approved by the Authority the operator may establish an equivalent method other than a formal safety case.

(ii) Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.

(iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;

2. The operator may then be approved to conduct training and qualification as specified under the ATQP.

**(d) Terminology**

1 Line Oriented Evaluation (LOE). LOE is an evaluation methodology used in the ATQP to evaluate

trainee performance, and to validate trainee proficiency. LOEs consist of flight simulator scenarios that are developed by the operator in accordance with a methodology approved as part of the ATQP. The LOE should be realistic and include appropriate weather scenarios and in addition should fall within an acceptable range of difficulty. The LOE should include the use of validated event sets to provide the basis for event based assessment. See paragraph 4 below.

2 Line Oriented Quality Evaluation (LOQE). LOQE is one of the tools used to help evaluate the overall performance of an operation. LOQEs consist of line flights that are observed by appropriately qualified operator personnel to provide feedback to validate the ATQP. The LOQE should be designed to look at those elements of the operation that are unable to be monitored by FDM or Advanced FDM programmes.

3 Skill based training. Skill based training requires the identification of specific knowledge and skills.

The required knowledge and skills are identified within an ATQP as part of a task analysis and are used to provide targeted training.

4 Event based Assessment. This is the assessment of flight crew to provide assurance that the required knowledge and skills have been acquired. This is achieved within an LOE. Feedback to the flight crew is an integral part of event based assessment.]

**(e) Requirements, Scope and Documentation of the Programme**

The documentation should demonstrate how the operator should establish the scope and requirements of the programme. The documentation should include:

1 How the ATQP should enable the operator to establish an alternative training programme that substitutes the requirements as listed in OR-OPS. The

*programme should demonstrate that the operator is able to improve the training and qualification standards of flight crew to a level that exceeds the standard prescribed in OR-OPS.*

*2 The operator's training needs and established operational and training objectives.*

*3 How the operator defines the process for designing of and gaining approval for the operator's flight crew qualification programmes. This should include quantified operational and training objectives identified by the operator's internal monitoring programmes. External sources may also be used.*

*4 How the programme will:*

- a. Enhance safety;*
- b. Improve training and qualification standards of flight crew;*
- c. Establish attainable training objectives;*
- d. Integrate CRM in all aspects of training;*
- e. Develop a support and feedback process to form a self-correcting training system;*
- f. Institute a system of progressive evaluations of all training to enable consistent and uniform monitoring of the training undertaken by flight crew;*
- g. Enable the operator to be able to respond to the new aeroplane technologies and changes in the operational environment;*
- h. Foster the use of innovative training methods and technology for flight crew instruction and the evaluation of training systems;*
- i. Make efficient use of training resources, specifically to match the use of training media to the training needs.*

***(f) Task Analysis***

*For each aeroplane type/class to be included within the ATQP the operator should establish a systematic review that determines and defines the various tasks to be undertaken by the flight crew when operating that type(s)/class. Data from other types/class may also be used. The analysis should determine and describe the knowledge and skills required to complete the various tasks specific to the aeroplane type/class and/or type of operation. In addition the analysis should identify the appropriate behavioural markers that should be exhibited. The task analysis should be suitably validated in accordance with paragraph (c)(iii). The task analysis, in conjunction with the data gathering programme(s) permit the operator to establish a programme of targeted training together with the associated training objectives described in paragraph (g) below.*

***(g) Training Programme***

*The training programme should have the following structure:*

*1 Curriculum.*

*1.1 Daily lesson plan.*

*2 The curriculum should specify the following elements:*

*2.1 Entry requirements: A list of topics and content, describing what training level will be required before start or continuation of training.*

*2.2 Topics: A description of what will be trained during the lesson;*

*2.3 Targets/Objectives*

*a. Specific target or set of targets that have to be reached and fulfilled before the training course can be continued.*

*b. Each specified target should have an associated objective that is identifiable both by the flight crew and the trainers.*

*c. Each qualification event that is required by the programme should specify the training that is required to be undertaken and the required standard to be achieved. (See paragraph j below)*

*3 Each lesson/course/training or qualification event should have the same basic structure. The topics related to the lesson have to be listed and the lesson targets should be unambiguous.*

*4 Each lesson/course or training event whether classroom, CBT or simulator*

should specify the required topics with the relevant targets to be achieved.

**(h) Training Personnel**

1 Personnel who perform training and checking of flight crew in an operator's ATQP should receive the following additional training on:

- 1.1 ATQP principles and goals;
- 1.2 Knowledge/skills/behaviour as learned from task analysis;
- 1.3 LOE/ LOFT Scenarios to include triggers / markers / event sets / observable behaviour;
- 1.4 Qualification standards;
- 1.5 Harmonisation of assessment standards;
- 1.6 Behavioural markers and the systemic assessment of CRM;
- 1.7 Event sets and the corresponding desired knowledge/skills and behaviour of the flight crew;
- 1.8 The processes that the operator has implemented to validate the training and qualification standards and the instructors part in the ATQP quality control; and
- 1.9 LOQE.

**(i) Feedback Loop**

1 The feedback should be used as a tool to validate that the curricula are implemented as specified by the ATQP; this enables substantiation of the curriculum, and that proficiency and training objectives have been met. The feedback loop should include data from operations flight data monitoring, advanced FDM programme and LOE/LOQE programmes. In addition the evaluation process shall describe whether the overall targets/objectives of training are being achieved and shall prescribe any corrective action that needs to be undertaken.

2 The programmes established quality control mechanisms should at least review the following:

- 2.1 Procedures for approval of recurrent training;
- 2.2 ATQP instructor training approvals;
- 2.3 Approval of event set(s) for LOE/LOFT;
- 2.4 Procedures for conducting LOE and LOQE.

**(j) Crew Performance Measurement and Evaluation**

1 The qualification and checking programmes should include at least the following elements:

- 1.1 A specified structure;
- 1.2 Elements to be tested/examined;
- 1.3 Targets and/or standards to be attained;
- 1.4 The specified technical and procedural knowledge and skills, and behavioural markers to be exhibited.

2 An LOE event should comprise of tasks and sub-tasks performed by the crew under a specified set of conditions. Each event has one or more specific training targets/objectives, which require the performance of a specific manoeuvre, the application of procedures, or the opportunity to practise cognitive, communication or other complex skills. For each event the proficiency that is required to be achieved should be established. Each event should include a range of circumstances under which the crews' performance is to be measured and evaluated. The conditions pertaining to each event should also be established and they may include the prevailing meteorological conditions (ceiling, visibility, wind, turbulence etc.); the operational environment (navigation aid inoperable etc.); and the operational contingencies (non-normal operation etc).

3 The markers specified under the operator's ATQP should form one of the core elements in determining the required qualification standard. A typical set of markers are shown in the table below:

EVENT	MARKER
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Awareness	1 Monitors and reports changes in automation status.
of Aeroplane Systems:	2 Applies closed loop principle in all relevant situations.
	3 Uses all channels for updates.
	4 Is aware of remaining technical resources

4 The topics / targets integrated into the curriculum have to be measurable and progression on any training/course is only allowed if the targets are fulfilled.

**(k) Data Monitoring/Analysis Programme**

1 The data analysis programme should consist of:

1.1 A Flight Data Monitoring (FDM) programme: This programme should include systematic evaluation of operational data derived from equipment that is able to record the flight profile and relevant operational information during flights conducted by the operator's aeroplane. Data collection should reach a minimum of 60% of all relevant flights conducted by the operator before ATQP approval is granted. This proportion may be increased at the discretion of the Authority.

1.2 An Advanced FDM when an extension to the ATQP is requested: An advanced FDM programme is determined by the level of integration with other safety initiatives implemented by the operator, such as the operator's Quality System. The programme should include both systematic evaluations of data from an FDM programme and flight crew training events for the relevant crews. Data collection should reach a minimum of 80% of all relevant flights and training conducted by the operator. This proportion may be varied at the discretion of the Authority.

2 The purpose of either an FDM or advanced FDM programme is to enable the operator to:

2.1 Provide data to support the programme's implementation and justify any changes to the ATQP;

2.2 Establish operational and training objectives based upon an analysis of the operational environment;

2.3 Monitor the effectiveness of flight crew training and qualification.

3 Data Gathering.

3.1 FDM programmes should include a system that captures flight data, and then transforms the data into an appropriate format for analysis. The programme should generate information to assist the operations safety personnel in analysing the data. The analysis should be made available to the ATQP postholder.

3.2 The data gathered should:

a. Include all fleets that plan to operate under the ATQP;

b. Include all crews trained and qualified under the ATQP;

c. Be established during the implementation phase of ATQP; and

d. Continue throughout the life of the ATQP.

4 Data Handling.

4.1 The operator should establish a process, which ensures the strict adherence to any data handling protocols, agreed with flight crew representative bodies, to ensure the confidentiality of individual flight crew members.

4.2 The data handling protocol should define the maximum period of time that detailed FDM or advanced FDM programme data, including exceedences, should be retained. Trend data may be retained permanently.

5 An operator that has an acceptable operations flight data monitoring programme prior to the proposed introduction of ATQP may, with the approval of the Authority, use relevant data from other fleets not part of the proposed ATQP.

**(l) Safety Case**

1.1 A documented body of evidence that provides a demonstrable and valid justification that the programme (ATQP) is adequately safe for the given type of operation. The safety case should encompass each phase of implementation of the programme and be applicable over the lifetime of the programme that is to

be overseen.

1.2 The safety case should:

- a. Demonstrate the required level of safety;
- b. Ensure the required safety is maintained throughout the lifetime of the programme;
- c. Minimise risk during all phases of the programmes implementation and operation.

2 Elements of a Safety Case:

2.1 Planning: Integrated and planned with the operation (ATQP) that is to be justified;

2.2 Criteria: Develop the applicable criteria - see paragraph 3 below;

2.3 Documentation: Safety related documentation – including a safety checklist;

2.4 Programme of implementation: To include controls and validity checks;

2.5 Oversight: Review and audits.

3 Criteria for the establishment of a Safety Case.

3.1 The Safety Case should:

- a. Be able to demonstrate that the required or equivalent level of safety is maintained throughout all phases of the programme, including as required by paragraph (c) below;
- b. Be valid to the application and the proposed operation (ATQP);
- c. Be adequately safe and ensure the required regulatory safety standards or approved equivalent safety standards are achieved;
- d. Be applicable over the entire lifetime of the programme;
- e. Demonstrate Completeness and Credibility of the programme;
- f. Be fully documented;
- g. Ensure integrity of the operation and the maintenance of the operations and training infra-structure;
- h. Ensure robustness to system change;
- i. Address the impact of technological advance, obsolescence and change;
- j. Address the impact of regulatory change.

4 In accordance with paragraph (c) the operator may develop an equivalent method other than that specified above.

comment

2173

comment by: AUSTRIAN Airlines

**Relevant Text:**

1.1 Ground training.

1.1.1 The ground training programme should include:

- a. Aircraft systems;
- b. Operational procedures and requirements including **ground de-icing/anti-icing and pilot incapacitation;** and
- c. Accident/Incident and occurrence review.

**Comment:**

it speaks at the end of the text about "ground de-icing/anti-icing and pilot incapacitation..". Does this wording belong here?

comment

2225

comment by: Christophe Baumann

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2

years).

comment

2226

comment by: *Christophe Baumann*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2248

comment by: *HDM Luftrettung gGmbH*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2249

comment by: *HDM Luftrettung gGmbH*

2.1.2.3: Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2269

comment by: *Benedikt SCHLEGEL*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2270

comment by: *Benedikt SCHLEGEL*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in

90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2309

comment by: *Ryanair*

Comment

The text relating to the new requirement for First Aid to be included in Triennial Training is very vague. Does this apply to a medium or large MPA with 4 or more cabin crew members?

comment

2312

comment by: *Ryanair*

Comment ref 4.2 page 92

This text, in the Section titled Recurrent Training and Checking, states that flying training must be carried out by a TRI.

Please confirm that this is the intended effect of the text. If so, this will prevent a pilot who has failed a Line check from being re-trained by a Line Training Captain (LTC) before being re-checked. This imposes an un-necessary expense on an operator as a TRI(A) is a much rarer resource than an LTC. LTCs have completed this type of activity for decades.

Please confirm that this requirement only applies to flying training associated with Recurrent Training and Checking (if that is the intention).

Please confirm that line flying training following an Operator's Conversion Course or a Type Rating may be conducted by an LTC **AFTER** the student has done the required 4 or 6 landings (type rating only) following a type rating which, of course, would be conducted by a TRI(A).

This text has far reaching consequences relating to the resources required to conduct conversion line flying training and consequently will impose a very significant cost if implemented. It is not clear what, if any, increase in safety margins will be achieved by this measure if enacted.

comment

2327

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

New regulation proposed

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator

Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following new AMC material based on Appendix 1 to EU-OPS 1.978 and the associated guidance material in JAA TGL 44 to complement the new regulation OR.OPS.150.FC (see comment xxx)

AMC OR.OPS.150.FC - Alternative training and qualification programme

(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:

1. Low Visibility Operations – Training and Qualifications.
2. Conversion training and checking.
3. Differences training and familiarisation training.
4. Nomination as commander.
5. Recurrent training and checking.
6. Operation on more than one type or variant.

(b) Components of the ATQP — an alternative training and qualification programme shall comprise the following:

1. Documentation that details the scope and requirements of the programme;
2. A task analysis to determine the tasks to be analysed in terms of:
  - (i) knowledge;
  - (ii) the required skills;
  - (iii) the associated skill based training;
 and, where appropriate
  - (iv) the validated behavioural markers.
3. Curricula — the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;
4. A specific training programme for:
  - (i) each aeroplane type/class within the ATQP;
  - (ii) the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating — CRI/SFI/TRI), and other personnel undertaking flight crew instruction;
  - (iii) the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner — CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;
5. A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;
6. A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OPS 1.965;
7. An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;
8. A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;

## 9. A data monitoring/analysis programme.

### (c) Implementation

The operator shall develop an evaluation and implementation strategy acceptable to the Authority;

the following requirements shall be fulfilled:

1. The implementation process shall include the following stages:

(i) a safety case that substantiates the validity of:

(A) the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.

(B) any new training methods implemented as part of ATQP.

If approved by the Authority the operator may establish an equivalent method other than a formal safety case.

(ii) Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.

(iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;

2. The operator may then be approved to conduct training and qualification as specified under the ATQP.

### (d) Terminology

1 Line Oriented Evaluation (LOE). LOE is an evaluation methodology used in the ATQP to evaluate trainee performance, and to validate trainee proficiency. LOEs consist of flight simulator scenarios that are developed by the operator in accordance with a methodology approved as part of the ATQP. The LOE should be realistic and include appropriate weather scenarios and in addition should fall within an acceptable range of difficulty. The LOE should include the use of validated event sets to provide the basis for event based assessment. See paragraph 4 below.

2 Line Oriented Quality Evaluation (LOQE). LOQE is one of the tools used to help evaluate the overall performance of an operation. LOQEs consist of line flights that are observed by appropriately qualified operator personnel to provide feedback to validate the ATQP. The LOQE should be designed to look at those elements of the operation that are unable to be monitored by FDM or Advanced FDM programmes.

3 Skill based training. Skill based training requires the identification of specific knowledge and skills.

The required knowledge and skills are identified within an ATQP as part of a task analysis and are used to provide targeted training.

4 Event based Assessment. This is the assessment of flight crew to provide assurance that the required knowledge and skills have been acquired. This is achieved within an LOE. Feedback to the flight crew is an integral part of event based assessment.]

### (e) Requirements, Scope and Documentation of the Programme

The documentation should demonstrate how the operator should establish the scope and requirements of the programme. The documentation should include:

1 How the ATQP should enable the operator to establish an alternative training programme that substitutes the requirements as listed in OR-OPS. The programme should demonstrate that the operator is able to improve the training

and qualification standards of flight crew to a level that exceeds the standard prescribed in OR-OPS.

2 The operator's training needs and established operational and training objectives.

3 How the operator defines the process for designing of and gaining approval for the operator's flight crew qualification programmes. This should include quantified operational and training objectives identified by the operator's internal monitoring programmes. External sources may also be used.

4 How the programme will:

- a. Enhance safety;
- b. Improve training and qualification standards of flight crew;
- c. Establish attainable training objectives;
- d. Integrate CRM in all aspects of training;
- e. Develop a support and feedback process to form a self-correcting training system;
- f. Institute a system of progressive evaluations of all training to enable consistent and uniform monitoring of the training undertaken by flight crew;
- g. Enable the operator to be able to respond to the new aeroplane technologies and changes in the operational environment;
- h. Foster the use of innovative training methods and technology for flight crew instruction and the evaluation of training systems;
- i. Make efficient use of training resources, specifically to match the use of training media to the training needs.

(f) Task Analysis

For each aeroplane type/class to be included within the ATQP the operator should establish a systematic review that determines and defines the various tasks to be undertaken by the flight crew when operating that type(s)/class. Data from other types/class may also be used. The analysis should determine and describe the knowledge and skills required to complete the various tasks specific to the aeroplane type/class and/or type of operation. In addition the analysis should identify the appropriate behavioural markers that should be exhibited. The task analysis should be suitably validated in accordance with paragraph (c)(iii). The task analysis, in conjunction with the data gathering programme(s) permit the operator to establish a programme of targeted training together with the associated training objectives described in paragraph (g) below.

(g) Training Programme

The training programme should have the following structure:

1 Curriculum.

1.1 Daily lesson plan.

2 The curriculum should specify the following elements:

2.1 Entry requirements: A list of topics and content, describing what training level will be required before start or continuation of training.

2.2 Topics: A description of what will be trained during the lesson;

2.3 Targets/Objectives

a. Specific target or set of targets that have to be reached and fulfilled before the training course can be continued.

b. Each specified target should have an associated objective that is identifiable both by the flight crew and the trainers.

c. Each qualification event that is required by the programme should specify the training that is required to be undertaken and the required standard to be

achieved. (See paragraph j below)

3 Each lesson/course/training or qualification event should have the same basic structure. The topics related to the lesson have to be listed and the lesson targets should be unambiguous.

4 Each lesson/course or training event whether classroom, CBT or simulator should specify the required topics with the relevant targets to be achieved.

(h) Training Personnel

1 Personnel who perform training and checking of flight crew in an operator's ATQP should receive the following additional training on:

1.1 ATQP principles and goals;

1.2 Knowledge/skills/behaviour as learned from task analysis;

1.3 LOE/ LOFT Scenarios to include triggers / markers / event sets / observable behaviour;

1.4 Qualification standards;

1.5 Harmonisation of assessment standards;

1.6 Behavioural markers and the systemic assessment of CRM;

1.7 Event sets and the corresponding desired knowledge/skills and behaviour of the flight crew;

1.8 The processes that the operator has implemented to validate the training and qualification standards and the instructors part in the ATQP quality control; and

1.9 LOQE.

(i) Feedback Loop

1 The feedback should be used as a tool to validate that the curricula are implemented as specified by the ATQP; this enables substantiation of the curriculum, and that proficiency and training objectives have been met. The feedback loop should include data from operations flight data monitoring, advanced FDM programme and LOE/LOQE programmes. In addition the evaluation process shall describe whether the overall targets/objectives of training are being achieved and shall prescribe any corrective action that needs to be undertaken.

2 The programmes established quality control mechanisms should at least review the following:

2.1 Procedures for approval of recurrent training;

2.2 ATQP instructor training approvals;

2.3 Approval of event set(s) for LOE/LOFT;

2.4 Procedures for conducting LOE and LOQE.

(j) Crew Performance Measurement and Evaluation

1 The qualification and checking programmes should include at least the following elements:

1.1 A specified structure;

1.2 Elements to be tested/examined;

1.3 Targets and/or standards to be attained;

1.4 The specified technical and procedural knowledge and skills, and behavioural markers to be exhibited.

2 An LOE event should comprise of tasks and sub-tasks performed by the crew under a specified set of conditions. Each event has one or more specific training targets/objectives, which require the performance of a specific manoeuvre, the application of procedures, or the opportunity to practise cognitive, communication or other complex skills. For each event the proficiency that is required to be achieved should be established. Each event should include a range of circumstances under which the crews' performance is to be measured and evaluated. The conditions pertaining to each event should also be

established and they may include the prevailing meteorological conditions (ceiling, visibility, wind, turbulence etc.); the operational environment (navigation aid inoperable etc.); and the operational contingencies (non-normal operation etc).

3 The markers specified under the operator's ATQP should form one of the core elements in determining the required qualification standard. A typical set of markers are shown in the table below:

<b>EVENT</b>	<b>MARKER</b>
Awareness	1 Monitors and reports changes in automation status.
of Aeroplane Systems:	2 Applies closed loop principle in all relevant situations.
	3 Uses all channels for updates.
	4 Is aware of remaining technical resources

4 The topics / targets integrated into the curriculum have to be measurable and progression on any training/course is only allowed if the targets are fulfilled.

#### (k) Data Monitoring/Analysis Programme

1 The data analysis programme should consist of:

1.1 A Flight Data Monitoring (FDM) programme: This programme should include systematic evaluation of operational data derived from equipment that is able to record the flight profile and relevant operational information during flights conducted by the operator's aeroplane. Data collection should reach a minimum of 60% of all relevant flights conducted by the operator before ATQP approval is granted. This proportion may be increased at the discretion of the Authority.

1.2 An Advanced FDM when an extension to the ATQP is requested: An advanced FDM programme is determined by the level of integration with other safety initiatives implemented by the operator, such as the operator's Quality System. The programme should include both systematic evaluations of data from an FDM programme and flight crew training events for the relevant crews. Data collection should reach a minimum of 80% of all relevant flights and training conducted by the operator. This proportion may be varied at the discretion of the Authority.

2 The purpose of either an FDM or advanced FDM programme is to enable the operator to:

- 2.1 Provide data to support the programme's implementation and justify any changes to the ATQP;
- 2.2 Establish operational and training objectives based upon an analysis of the operational environment;
- 2.3 Monitor the effectiveness of flight crew training and qualification.

3 Data Gathering.

3.1 FDM programmes should include a system that captures flight data, and then transforms the data into an appropriate format for analysis. The programme should generate information to assist the operations safety personnel in analysing the data. The analysis should be made available to the ATQP postholder.

3.2 The data gathered should:

- a. Include all fleets that plan to operate under the ATQP;
- b. Include all crews trained and qualified under the ATQP;
- c. Be established during the implementation phase of ATQP; and
- d. Continue throughout the life of the ATQP.

#### 4 Data Handling.

4.1 The operator should establish a process, which ensures the strict adherence to any data handling protocols, agreed with flight crew representative bodies, to ensure the confidentiality of individual flight crew members.

4.2 The data handling protocol should define the maximum period of time that detailed FDM or advanced FDM programme data, including exceedences, should be retained. Trend data may be retained permanently.

5 An operator that has an acceptable operations flight data monitoring programme prior to the proposed introduction of ATQP may, with the approval of the Authority, use relevant data from other fleets not part of the proposed ATQP.

#### (I) Safety Case

1.1 A documented body of evidence that provides a demonstrable and valid justification that the programme (ATQP) is adequately safe for the given type of operation. The safety case should encompass each phase of implementation of the programme and be applicable over the lifetime of the programme that is to be overseen.

1.2 The safety case should:

- a. Demonstrate the required level of safety;
- b. Ensure the required safety is maintained throughout the lifetime of the programme;
- c. Minimise risk during all phases of the programmes implementation and operation.

#### 2 Elements of a Safety Case:

2.1 Planning: Integrated and planned with the operation (ATQP) that is to be justified;

2.2 Criteria: Develop the applicable criteria - see paragraph 3 below;

2.3 Documentation: Safety related documentation – including a safety checklist;

2.4 Programme of implementation: To include controls and validity checks;

2.5 Oversight: Review and audits.

#### 3 Criteria for the establishment of a Safety Case.

3.1 The Safety Case should:

- a. Be able to demonstrate that the required or equivalent level of safety is maintained throughout all phases of the programme, including as required by paragraph (c) below;
- b. Be valid to the application and the proposed operation (ATQP);
- c. Be adequately safe and ensure the required regulatory safety standards or approved equivalent safety standards are achieved;
- d. Be applicable over the entire lifetime of the programme;
- e. Demonstrate Completeness and Credibility of the programme;
- f. Be fully documented;
- g. Ensure integrity of the operation and the maintenance of the operations and training infra-structure;
- h. Ensure robustness to system change;
- i. Address the impact of technological advance, obsolescence and change;
- j. Address the impact of regulatory change.

4 In accordance with paragraph (c) the operator may develop an equivalent method other than that specified above.

- comment 2461 comment by: KLM
- Relevant Text:**  
 1.2.3 Every 3 years the programme of training should include the following:  
 a. Actual operation of all types of exits;  
 b. Demonstration of the method used to operate a slide where fitted;  
 c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;  
**Comment:**  
 An exception for Halon extinguisher is needed due to environmental protection  
**Proposal:**  
 c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire; except that with halon extinguishers, an alternative method may be used
- comment 2463 comment by: KLM
- Relevant Text:**  
 g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.  
**Comment:**  
 Recurrent First Aid Training is a new requirement to flight crew. The form of appropriate training is not mentioned. For passenger operator Cabin crew members are trained to provide first aid  
**Proposal:**  
 Delete : g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.
- comment 2464 comment by: KLM
- Relevant Text:**  
 2.3.7 Where a pilot is required to operate as pilot flying and pilot non-flying, he should be checked on one sector as pilot flying and on another sector as pilot non-flying.  
 However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation and that each pilot performs both flying and non-flying duties on the same sector, then the line check may be performed on a single sector.  
**Comment:**  
 Limiting the performance of single sector Line Checks to special operator's procedures is not reasonable. The regulator should aim for a level playing field.  
**Proposal:**  
 However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation, then the line check may be performed on a single sector, provided that each pilot performs both flying and non-flying duties on this sector
- comment 2467 comment by: KLM
- Comment:**  
 OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.  
 The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an

unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following new AMC material based on Appendix 1 to EU-OPS 1.978 and the associated guidance material in JAA TGL 44 to complement the new regulation OR.OPS.150.FC (see previous comment on OR OPS 145 FC)

**AMC OR.OPS.150.FC - Alternative training and qualification programme**

**(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:**

1. *Low Visibility Operations – Training and Qualifications.*
2. *Conversion training and checking.*
3. *Differences training and familiarisation training.*
4. *Nomination as commander.*
5. *Recurrent training and checking.*
6. *Operation on more than one type or variant.*

**(b) Components of the ATQP – an alternative training and qualification programme shall comprise the following:**

1. *Documentation that details the scope and requirements of the programme;*
2. *A task analysis to determine the tasks to be analysed in terms of:*
  - (i) *knowledge;*
  - (ii) *the required skills;*
  - (iii) *the associated skill based training;**and, where appropriate*
  - (iv) *the validated behavioural markers.*
3. *Curricula — the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;*
4. *A specific training programme for:*
  - (i) *each aeroplane type/class within the ATQP;*
  - (ii) *the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating — CRI/SFI/TRI), and other personnel undertaking flight crew instruction;*
  - (iii) *the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner — CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;*
5. *A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;*
6. *A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OPS 1.965;*
7. *An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;*
8. *A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;*
9. *A data monitoring/analysis programme.*

**(c) Implementation**

*The operator shall develop an evaluation and implementation strategy acceptable to the Authority;*

*the following requirements shall be fulfilled:*

1. *The implementation process shall include the following stages:*
  - (i) *a safety case that substantiates the validity of:*
    - (A) *the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.*
    - (B) *any new training methods implemented as part of ATQP.*

*If approved by the Authority the operator may establish an equivalent method other than a formal safety case.*
  - (ii) *Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.*
  - (iii) *A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;*
2. *The operator may then be approved to conduct training and qualification as specified under the ATQP.*

**(d) Terminology**

*1 Line Oriented Evaluation (LOE). LOE is an evaluation methodology used in the ATQP to evaluate trainee performance, and to validate trainee proficiency. LOEs consist of flight simulator scenarios that are developed by the operator in accordance with a methodology approved as part of the ATQP. The LOE should be realistic and include appropriate weather scenarios and in addition should fall within an acceptable range of difficulty. The LOE should include the use of validated event sets to provide the basis for event based assessment. See paragraph 4 below.*

*2 Line Oriented Quality Evaluation (LOQE). LOQE is one of the tools used to help evaluate the overall performance of an operation. LOQEs consist of line flights that are observed by appropriately qualified operator personnel to provide feedback to validate the ATQP. The LOQE should be designed to look at those elements of the operation that are unable to be monitored by FDM or Advanced FDM programmes.*

*3 Skill based training. Skill based training requires the identification of specific knowledge and skills.*

*The required knowledge and skills are identified within an ATQP as part of a task analysis and are used to provide targeted training.*

*4 Event based Assessment. This is the assessment of flight crew to provide assurance that the required knowledge and skills have been acquired. This is achieved within an LOE. Feedback to the flight crew is an integral part of event based assessment.]*

**(e) Requirements, Scope and Documentation of the Programme**

*The documentation should demonstrate how the operator should establish the scope and requirements of the programme. The documentation should include:*

*1 How the ATQP should enable the operator to establish an alternative training programme that substitutes the requirements as listed in OR-OPS. The programme should demonstrate that the operator is able to improve the training and qualification standards of flight crew to a level that exceeds the standard prescribed in OR-OPS.*

*2 The operator's training needs and established operational and training objectives.*

*3 How the operator defines the process for designing of and gaining approval for the operator's flight crew qualification programmes. This should include quantified operational and training objectives identified by the operator's internal monitoring programmes. External sources may also be used.*

*4 How the programme will:*

- a. Enhance safety;*
- b. Improve training and qualification standards of flight crew;*
- c. Establish attainable training objectives;*

- d. Integrate CRM in all aspects of training;*
- e. Develop a support and feedback process to form a self-correcting training system;*
- f. Institute a system of progressive evaluations of all training to enable consistent and uniform monitoring of the training undertaken by flight crew;*
- g. Enable the operator to be able to respond to the new aeroplane technologies and changes in the operational environment;*
- h. Foster the use of innovative training methods and technology for flight crew instruction and the evaluation of training systems;*
- i. Make efficient use of training resources, specifically to match the use of training media to the training needs.*

**(f) Task Analysis**

*For each aeroplane type/class to be included within the ATQP the operator should establish a systematic review that determines and defines the various tasks to be undertaken by the flight crew when operating that type(s)/class. Data from other types/class may also be used. The analysis should determine and describe the knowledge and skills required to complete the various tasks specific to the aeroplane type/class and/or type of operation. In addition the analysis should identify the appropriate behavioural markers that should be exhibited. The task analysis should be suitably validated in accordance with paragraph (c)(iii). The task analysis, in conjunction with the data gathering programme(s) permit the operator to establish a programme of targeted training together with the associated training objectives described in paragraph (g) below.*

**(g) Training Programme**

*The training programme should have the following structure:*

*1 Curriculum.*

*1.1 Daily lesson plan.*

*2 The curriculum should specify the following elements:*

*2.1 Entry requirements: A list of topics and content, describing what training level will be required before start or continuation of training.*

*2.2 Topics: A description of what will be trained during the lesson;*

*2.3 Targets/Objectives*

*a. Specific target or set of targets that have to be reached and fulfilled before the training course can be continued.*

*b. Each specified target should have an associated objective that is identifiable both by the flight crew and the trainers.*

*c. Each qualification event that is required by the programme should specify the training that is required to be undertaken and the required standard to be achieved. (See paragraph j below)*

*3 Each lesson/course/training or qualification event should have the same basic structure. The topics related to the lesson have to be listed and the lesson targets should be unambiguous.*

*4 Each lesson/course or training event whether classroom, CBT or simulator should specify the required topics with the relevant targets to be achieved.*

**(h) Training Personnel**

*1 Personnel who perform training and checking of flight crew in an operator's ATQP should receive the following additional training on:*

*1.1 ATQP principles and goals;*

*1.2 Knowledge/skills/behaviour as learned from task analysis;*

*1.3 LOE/ LOFT Scenarios to include triggers / markers / event sets / observable behaviour;*

*1.4 Qualification standards;*

*1.5 Harmonisation of assessment standards;*

*1.6 Behavioural markers and the systemic assessment of CRM;*

*1.7 Event sets and the corresponding desired knowledge/skills and behaviour of the flight crew;*

1.8 The processes that the operator has implemented to validate the training and qualification standards and the instructors part in the ATQP quality control; and

1.9 LOQE.

**(i) Feedback Loop**

1 The feedback should be used as a tool to validate that the curricula are implemented as specified by the ATQP; this enables substantiation of the curriculum, and that proficiency and training objectives have been met. The feedback loop should include data from operations flight data monitoring, advanced FDM programme and LOE/LOQE programmes. In addition the evaluation process shall describe whether the overall targets/objectives of training are being achieved and shall prescribe any corrective action that needs to be undertaken.

2 The programmes established quality control mechanisms should at least review the following:

2.1 Procedures for approval of recurrent training;

2.2 ATQP instructor training approvals;

2.3 Approval of event set(s) for LOE/LOFT;

2.4 Procedures for conducting LOE and LOQE.

**(j) Crew Performance Measurement and Evaluation**

1 The qualification and checking programmes should include at least the following elements:

1.1 A specified structure;

1.2 Elements to be tested/examined;

1.3 Targets and/or standards to be attained;

1.4 The specified technical and procedural knowledge and skills, and behavioural markers to be exhibited.

2 An LOE event should comprise of tasks and sub-tasks performed by the crew under a specified set of conditions. Each event has one or more specific training targets/objectives, which require the performance of a specific manoeuvre, the application of procedures, or the opportunity to practise cognitive, communication or other complex skills. For each event the proficiency that is required to be achieved should be established. Each event should include a range of circumstances under which the crews' performance is to be measured and evaluated. The conditions pertaining to each event should also be established and they may include the prevailing meteorological conditions (ceiling, visibility, wind, turbulence etc.); the operational environment (navigation aid inoperable etc.); and the operational contingencies (non-normal operation etc).

3 The markers specified under the operator's ATQP should form one of the core elements in

determining the required qualification standard. A typical set of markers are shown in the table below:

<b>EVENT</b>	<b>MARKER</b>
Awareness	1 Monitors and reports changes in automation status.
of Aeroplane Systems:	2 Applies closed loop principle in all relevant situations.
	3 Uses all channels for updates.
	4 Is aware of remaining technical resources

4 The topics / targets integrated into the curriculum have to be measurable and progression on any

training/course is only allowed if the targets are fulfilled.

**(k) Data Monitoring/Analysis Programme**

1 The data analysis programme should consist of:

1.1 A Flight Data Monitoring (FDM) programme: This programme should include systematic evaluation of operational data derived from equipment that is able to record the flight profile and relevant operational information during

*flights conducted by the operator's aeroplane. Data collection should reach a minimum of 60% of all relevant flights conducted by the operator before ATQP approval is granted. This proportion may be increased at the discretion of the Authority.*

*1.2 An Advanced FDM when an extension to the ATQP is requested: An advanced FDM programme is determined by the level of integration with other safety initiatives implemented by the operator, such as the operator's Quality System. The programme should include both systematic evaluations of data from an FDM programme and flight crew training events for the relevant crews. Data collection should reach a minimum of 80% of all relevant flights and training conducted by the operator. This proportion may be varied at the discretion of the Authority.*

*2 The purpose of either an FDM or advanced FDM programme is to enable the operator to:*

*2.1 Provide data to support the programme's implementation and justify any changes to the ATQP;*

*2.2 Establish operational and training objectives based upon an analysis of the operational environment;*

*2.3 Monitor the effectiveness of flight crew training and qualification.*

*3 Data Gathering.*

*3.1 FDM programmes should include a system that captures flight data, and then transforms the data into an appropriate format for analysis. The programme should generate information to assist the operations safety personnel in analysing the data. The analysis should be made available to the ATQP postholder.*

*3.2 The data gathered should:*

*a. Include all fleets that plan to operate under the ATQP;*

*b. Include all crews trained and qualified under the ATQP;*

*c. Be established during the implementation phase of ATQP; and*

*d. Continue throughout the life of the ATQP.*

*4 Data Handling.*

*4.1 The operator should establish a process, which ensures the strict adherence to any data handling protocols, agreed with flight crew representative bodies, to ensure the confidentiality of individual flight crew members.*

*4.2 The data handling protocol should define the maximum period of time that detailed FDM or advanced FDM programme data, including exceedences, should be retained. Trend data may be retained permanently.*

*5 An operator that has an acceptable operations flight data monitoring programme prior to the proposed introduction of ATQP may, with the approval of the Authority, use relevant data from other fleets not part of the proposed ATQP.*

***(I) Safety Case***

*1.1 A documented body of evidence that provides a demonstrable and valid justification that the programme (ATQP) is adequately safe for the given type of operation. The safety case should encompass each phase of implementation of the programme and be applicable over the lifetime of the programme that is to be overseen.*

*1.2 The safety case should:*

*a. Demonstrate the required level of safety;*

*b. Ensure the required safety is maintained throughout the lifetime of the programme;*

*c. Minimise risk during all phases of the programmes implementation and operation.*

*2 Elements of a Safety Case:*

*2.1 Planning: Integrated and planned with the operation (ATQP) that is to be justified;*

*2.2 Criteria: Develop the applicable criteria - see paragraph 3 below;*

2.3 Documentation: Safety related documentation – including a safety checklist;  
 2.4 Programme of implementation: To include controls and validity checks;  
 2.5 Oversight: Review and audits.  
 3 Criteria for the establishment of a Safety Case.  
 3.1 The Safety Case should:  
 a. Be able to demonstrate that the required or equivalent level of safety is maintained throughout all phases of the programme, including as required by paragraph (c) below;  
 b. Be valid to the application and the proposed operation (ATQP);  
 c. Be adequately safe and ensure the required regulatory safety standards or approved equivalent safety standards are achieved;  
 d. Be applicable over the entire lifetime of the programme;  
 e. Demonstrate Completeness and Credibility of the programme;  
 f. Be fully documented;  
 g. Ensure integrity of the operation and the maintenance of the operations and training infra-structure;  
 h. Ensure robustness to system change;  
 i. Address the impact of technological advance, obsolescence and change;  
 j. Address the impact of regulatory change.  
 4 In accordance with paragraph (c) the operator may develop an equivalent method other than that specified above.

comment

2468

comment by: KLM

**Relevant Text:**

1.1 Ground training.

1.1.1 The ground training programme should include:

- a. Aircraft systems;
- b. Operational procedures and requirements including **ground de-icing/anti-icing and pilot incapacitation**; and
- c. Accident/Incident and occurrence review.

**Comment:**

it speaks at the end of the text about "ground de-icing/anti-icing and pilot incapacitation..". Does this wording belong here?

comment

2651

comment by: Deutsche Lufthansa AG

**Relevant Text:**

1.2.3 Every 3 years the programme of training should include the following:

- a. Actual operation of all types of exits;
- b. Demonstration of the method used to operate a slide where fitted;
- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;

**Comment:**

An exception for Halon extinguisher is needed due to environmental protection

**Proposal:**

- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire; except that with halon extinguishers, an alternative method may be used

comment

2652

comment by: Deutsche Lufthansa AG

**Relevant Text:**

- g. First aid, appropriate to the aircraft type, the kind of operation and crew

complement.

**Comment:**

Recurrent First Aid Training is a new requirement to flight crew. The form of appropriate training is not mentioned. For passenger operator Cabin crew members are trained to provide first aid

**Proposal:**

Delete: g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.

comment

2653

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

2.3.7 Where a pilot is required to operate as pilot flying and pilot non-flying, he should be checked on one sector as pilot flying and on another sector as pilot non-flying.

However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation and that each pilot performs both flying and non-flying duties on the same sector, then the line check may be performed on a single sector.

**Comment:**

Limiting the performance of single sector Line Checks to special operator's procedures is not reasonable. The regulator should aim for a level playing field.

**Proposal:**

However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation, then the line check may be performed on a single sector, provided that each pilot performs both flying and non-flying duties on this sector .

comment

2654

comment by: *Deutsche Lufthansa AG*

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification. We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following new AMC material based on Appendix 1 to EU-OPS 1.978 and the associated guidance material in JAA TGL 44 to complement the new regulation OR.OPS.150.FC (see previous comment on OR OPS 145 FC)

**AMC OR.OPS.150.FC - Alternative training and qualification programme**  
**(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:**

1. Low Visibility Operations – Training and Qualifications.
2. Conversion training and checking.
3. Differences training and familiarisation training.
4. Nomination as commander.
5. Recurrent training and checking.
6. Operation on more than one type or variant.

**(b) Components of the ATQP — an alternative training and qualification programme shall comprise the following:**

1. Documentation that details the scope and requirements of the programme;
2. A task analysis to determine the tasks to be analysed in terms of:
  - (i) knowledge;
  - (ii) the required skills;
  - (iii) the associated skill based training;
 and, where appropriate
  - (iv) the validated behavioural markers.
3. Curricula — the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;
4. A specific training programme for:
  - (i) each aeroplane type/class within the ATQP;
  - (ii) the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating — CRI/SFI/TRI), and other personnel undertaking flight crew instruction;
  - (iii) the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner — CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;
5. A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;
6. A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-based assessment as part of the LOE. The method of assessment shall comply with the provisions of OPS 1.965;
7. An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;
8. A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;
9. A data monitoring/analysis programme.

**(c) Implementation**

The operator shall develop an evaluation and implementation strategy acceptable to the Authority;

the following requirements shall be fulfilled:

1. The implementation process shall include the following stages:
  - (i) a safety case that substantiates the validity of:
    - (A) the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.
    - (B) any new training methods implemented as part of ATQP.
 If approved by the Authority the operator may establish an equivalent method other than a formal safety case.
  - (ii) Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.
  - (iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;
2. The operator may then be approved to conduct training and qualification as specified under the ATQP.

**(d) Terminology**

1 Line Oriented Evaluation (LOE). LOE is an evaluation methodology used in the ATQP to evaluate trainee performance, and to validate trainee proficiency. LOEs consist of flight

simulator scenarios that are developed by the operator in accordance with a methodology approved as part of the ATQP. The LOE should be realistic and include appropriate weather scenarios and in addition should fall within an acceptable range of difficulty. The LOE should include the use of validated event sets to provide the basis for event based assessment. See paragraph 4 below.

2 Line Oriented Quality Evaluation (LOQE). LOQE is one of the tools used to help evaluate the overall performance of an operation. LOQEs consist of line flights that are observed by appropriately qualified operator personnel to provide feedback to validate the ATQP. The LOQE should be designed to look at those elements of the operation that are unable to be monitored by FDM or Advanced FDM programmes.

3 Skill based training. Skill based training requires the identification of specific knowledge and skills.

The required knowledge and skills are identified within an ATQP as part of a task analysis and are used to provide targeted training.

4 Event based Assessment. This is the assessment of flight crew to provide assurance that the

required knowledge and skills have been acquired. This is achieved within an LOE. Feedback to the flight crew is an integral part of event based assessment.]

**(e) Requirements, Scope and Documentation of the Programme**

The documentation should demonstrate how the operator should establish the scope and

requirements of the programme. The documentation should include:

1 How the ATQP should enable the operator to establish an alternative training programme that substitutes the requirements as listed in OR-OPS. The programme should demonstrate that the operator is able to improve the training and qualification standards of flight crew to a level that exceeds the standard prescribed in OR-OPS.

2 The operator's training needs and established operational and training objectives.

3 How the operator defines the process for designing of and gaining approval for the operator's flight crew qualification programmes. This should include quantified operational and training objectives identified by the operator's internal monitoring programmes. External sources may also be used.

4 How the programme will:

a. Enhance safety;

b. Improve training and qualification standards of flight crew;

c. Establish attainable training objectives;

d. Integrate CRM in all aspects of training;

e. Develop a support and feedback process to form a self-correcting training system;

f. Institute a system of progressive evaluations of all training to enable consistent and uniform monitoring of the training undertaken by flight crew;

g. Enable the operator to be able to respond to the new aeroplane technologies and changes in the operational environment;

h. Foster the use of innovative training methods and technology for flight crew instruction and the evaluation of training systems;

i. Make efficient use of training resources, specifically to match the use of training media to the training needs.

**(f) Task Analysis**

For each aeroplane type/class to be included within the ATQP the operator should establish a systematic review that determines and defines the various tasks to be undertaken by the flight crew when operating that type(s)/class.

Data from other types/class may also be used. The analysis should determine and describe the knowledge and skills required to complete the various tasks specific to the aeroplane type/class and/or type of operation. In addition the analysis should identify the appropriate behavioural markers that should be

*exhibited. The task analysis should be suitably validated in accordance with paragraph (c)(iii). The task analysis, in conjunction with the data gathering programme(s) permit the operator to establish a programme of targeted training together with the associated training objectives described in paragraph (g) below.*

**(g) Training Programme**

*The training programme should have the following structure:*

*1 Curriculum.*

*1.1 Daily lesson plan.*

*2 The curriculum should specify the following elements:*

*2.1 Entry requirements: A list of topics and content, describing what training level will be required before start or continuation of training.*

*2.2 Topics: A description of what will be trained during the lesson;*

*2.3 Targets/Objectives*

*a. Specific target or set of targets that have to be reached and fulfilled before the training course can be continued.*

*b. Each specified target should have an associated objective that is identifiable both by the flight crew and the trainers.*

*c. Each qualification event that is required by the programme should specify the training that is required to be undertaken and the required standard to be achieved. (See paragraph j below)*

*3 Each lesson/course/training or qualification event should have the same basic structure. The topics related to the lesson have to be listed and the lesson targets should be unambiguous.*

*4 Each lesson/course or training event whether classroom, CBT or simulator should specify the required topics with the relevant targets to be achieved.*

**(h) Training Personnel**

*1 Personnel who perform training and checking of flight crew in an operator's ATQP should receive the following additional training on:*

*1.1 ATQP principles and goals;*

*1.2 Knowledge/skills/behaviour as learned from task analysis;*

*1.3 LOE/ LOFT Scenarios to include triggers / markers / event sets / observable behaviour;*

*1.4 Qualification standards;*

*1.5 Harmonisation of assessment standards;*

*1.6 Behavioural markers and the systemic assessment of CRM;*

*1.7 Event sets and the corresponding desired knowledge/skills and behaviour of the flight crew;*

*1.8 The processes that the operator has implemented to validate the training and qualification standards and the instructors part in the ATQP quality control; and*

*1.9 LOQE.*

**(i) Feedback Loop**

*1 The feedback should be used as a tool to validate that the curricula are implemented as specified by the ATQP; this enables substantiation of the curriculum, and that proficiency and training objectives have been met. The feedback loop should include data from operations flight data monitoring, advanced FDM programme and LOE/LOQE programmes. In addition the evaluation process shall describe whether the overall targets/objectives of training are being achieved and shall prescribe any corrective action that needs to be undertaken.*

*2 The programmes established quality control mechanisms should at least review the following:*

*2.1 Procedures for approval of recurrent training;*

*2.2 ATQP instructor training approvals;*

*2.3 Approval of event set(s) for LOE/LOFT;*

*2.4 Procedures for conducting LOE and LOQE.*

**(j) Crew Performance Measurement and Evaluation**

1 The qualification and checking programmes should include at least the following elements:

1.1 A specified structure;

1.2 Elements to be tested/examined;

1.3 Targets and/or standards to be attained;

1.4 The specified technical and procedural knowledge and skills, and behavioural markers to be exhibited.

2 An LOE event should comprise of tasks and sub-tasks performed by the crew under a specified set

of conditions. Each event has one or more specific training targets/objectives, which require the performance of a specific manoeuvre, the application of procedures, or the opportunity to practise cognitive, communication or other complex skills. For each event the proficiency that is required to be achieved should be established. Each event should include a range of circumstances under which the crews' performance is to be measured and evaluated. The conditions pertaining to each event should also be established and they may include the prevailing meteorological conditions (ceiling, visibility, wind, turbulence etc.); the operational environment (navigation aid inoperable etc.); and the operational contingencies (non-normal operation etc).

3 The markers specified under the operator's ATQP should form one of the core elements in determining the required qualification standard. A typical set of markers are shown in the table below:

<b>EVENT</b>	<b>MARKER</b>
Awareness	1 Monitors and reports changes in automation status.
of Aeroplane Systems:	2 Applies closed loop principle in all relevant situations.
	3 Uses all channels for updates.
	4 Is aware of remaining technical resources

4 The topics / targets integrated into the curriculum have to be measurable and progression on any

training/course is only allowed if the targets are fulfilled.

**(k) Data Monitoring/Analysis Programme**

1 The data analysis programme should consist of:

1.1 A Flight Data Monitoring (FDM) programme: This programme should include systematic evaluation of operational data derived from equipment that is able to record the flight profile and relevant operational information during flights conducted by the operator's aeroplane. Data collection should reach a minimum of 60% of all relevant flights conducted by the operator before ATQP approval is granted. This proportion may be increased at the discretion of the Authority.

1.2 An Advanced FDM when an extension to the ATQP is requested: An advanced FDM programme is determined by the level of integration with other safety initiatives implemented by the operator, such as the operator's Quality System. The programme should include both systematic evaluations of data from an FDM programme and flight crew training events for the relevant crews. Data collection should reach a minimum of 80% of all relevant flights and training conducted by the operator. This proportion may be varied at the discretion of the Authority.

2 The purpose of either an FDM or advanced FDM programme is to enable the operator to:

2.1 Provide data to support the programme's implementation and justify any changes to the ATQP;

2.2 Establish operational and training objectives based upon an analysis of the operational environment;

2.3 Monitor the effectiveness of flight crew training and qualification.

### *3 Data Gathering.*

*3.1 FDM programmes should include a system that captures flight data, and then transforms the data into an appropriate format for analysis. The programme should generate information to assist the operations safety personnel in analysing the data. The analysis should be made available to the ATQP postholder.*

*3.2 The data gathered should:*

- a. Include all fleets that plan to operate under the ATQP;*
- b. Include all crews trained and qualified under the ATQP;*
- c. Be established during the implementation phase of ATQP; and*
- d. Continue throughout the life of the ATQP.*

### *4 Data Handling.*

*4.1 The operator should establish a process, which ensures the strict adherence to any data handling protocols, agreed with flight crew representative bodies, to ensure the confidentiality of individual flight crew members.*

*4.2 The data handling protocol should define the maximum period of time that detailed FDM or advanced FDM programme data, including exceedences, should be retained. Trend data may be retained permanently.*

*5 An operator that has an acceptable operations flight data monitoring programme prior to the proposed introduction of ATQP may, with the approval of the Authority, use relevant data from other fleets not part of the proposed ATQP.*

### ***(I) Safety Case***

*1.1 A documented body of evidence that provides a demonstrable and valid justification that the programme (ATQP) is adequately safe for the given type of operation. The safety case should encompass each phase of implementation of the programme and be applicable over the lifetime of the programme that is to be overseen.*

*1.2 The safety case should:*

- a. Demonstrate the required level of safety;*
- b. Ensure the required safety is maintained throughout the lifetime of the programme;*
- c. Minimise risk during all phases of the programmes implementation and operation.*

*2 Elements of a Safety Case:*

*2.1 Planning: Integrated and planned with the operation (ATQP) that is to be justified;*

*2.2 Criteria: Develop the applicable criteria - see paragraph 3 below;*

*2.3 Documentation: Safety related documentation – including a safety checklist;*

*2.4 Programme of implementation: To include controls and validity checks;*

*2.5 Oversight: Review and audits.*

*3 Criteria for the establishment of a Safety Case.*

*3.1 The Safety Case should:*

- a. Be able to demonstrate that the required or equivalent level of safety is maintained throughout all phases of the programme, including as required by paragraph (c) below;*
- b. Be valid to the application and the proposed operation (ATQP);*
- c. Be adequately safe and ensure the required regulatory safety standards or approved equivalent safety standards are achieved;*
- d. Be applicable over the entire lifetime of the programme;*
- e. Demonstrate Completeness and Credibility of the programme;*
- f. Be fully documented;*
- g. Ensure integrity of the operation and the maintenance of the operations and training infra-structure;*
- h. Ensure robustness to system change;*
- i. Address the impact of technological advance, obsolescence and change;*
- j. Address the impact of regulatory change.*

4 In accordance with paragraph (c) the operator may develop an equivalent method other than that specified above.

comment

2655

comment by: Deutsche Lufthansa AG

**Relevant Text:**

1.1 Ground training.

1.1.1 The ground training programme should include:

a. Aircraft systems;

b. Operational procedures and requirements including **ground de-icing/anti-icing and pilot incapacitation;** and

c. Accident/Incident and occurrence review.

**Comment:**

it speaks at the end of the text about "ground de-icing/anti-icing and pilot incapacitation..". Does this wording belong here?

comment

2724

comment by: Philipp Peterhans

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2725

comment by: Philipp Peterhans

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2839

comment by: Ph. Walker

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

2840

comment by: Ph. Walker

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3014

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

1.2.3 Every 3 years the programme of training should include the following:

- a. Actual operation of all types of exits;
- b. Demonstration of the method used to operate a slide where fitted;
- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;

**Comment:**

An exception for Halon extinguisher is needed due to environmental protection

**Proposal:**

- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire; except that with halon extinguishers, an alternative method may be used

comment

3015

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.

**Comment:**

Recurrent First Aid Training is a new requirement to flight crew. The form of appropriate training is not mentioned. For passenger operator Cabin crew members are trained to provide first aid

**Proposal:**

Delete : g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.

comment

3016

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

2.3.7 Where a pilot is required to operate as pilot flying and pilot non-flying, he should be checked on one sector as pilot flying and on another sector as pilot non-flying.

However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation and that each pilot performs both flying and non-flying duties on the same sector, then the line check may be performed on a single sector.

**Comment:**

Limiting the performance of single sector Line Checks to special operator's procedures is not reasonable. The regulator should aim for a level playing field.

**Proposal:**

However, where an operator's procedures require integrated flight preparation, integrated cockpit initialisation, then the line check may be performed on a single sector, provided that each pilot performs both flying and non-flying

duties on this sector .

comment

3017

comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:**

OR.OPS.145.FC adequately addresses the requirements of EU-OPS 1.965 but there is no specific recognition of the enhanced OPC, Line Check and SEP validity periods as currently prescribed in EU-OPS 1.978.

The alternative schedule for checking provided in EU-OPS 1.978 is integral to the benefits of allowing Operators to provide valuable additional Operator Specific Training. The removal of this specific recognition appears to be an unintentional omission on EASA's part and seemingly with no safety justification.

We cannot believe that it is the intention of EASA to discontinue the current ATQP arrangements for Operators who already have sought and gained approval for an ATQP programme having already demonstrated that they meet the requirements of EU-OPS 1.978 and the associated AMC.

**Proposal:**

Include the following new AMC material based on Appendix 1 to EU-OPS 1.978 and the associated guidance material in JAA TGL 44 to complement the new regulation OR.OPS.150.FC (see previous comment on OR OPS 145 FC)

**AMC OR.OPS.150.FC - Alternative training and qualification programme**

**(a) An operator's ATQP may apply to the following requirements that relate to training and qualifications:**

1. *Low Visibility Operations – Training and Qualifications.*
2. *Conversion training and checking.*
3. *Differences training and familiarisation training.*
4. *Nomination as commander.*
5. *Recurrent training and checking.*
6. *Operation on more than one type or variant.*

**(b) Components of the ATQP — an alternative training and qualification programme shall comprise the following:**

1. *Documentation that details the scope and requirements of the programme;*
2. *A task analysis to determine the tasks to be analysed in terms of:*
  - (i) *knowledge;*
  - (ii) *the required skills;*
  - (iii) *the associated skill based training;**and, where appropriate*
  - (iv) *the validated behavioural markers.*
3. *Curricula — the curriculum structure and content shall be determined by task analysis, and shall include proficiency objectives including when and how those objectives shall be met. The process for curriculum development shall be acceptable to the Authority;*
4. *A specific training programme for:*
  - (i) *each aeroplane type/class within the ATQP;*
  - (ii) *the instructors (Class rating instructor rating/Synthetic flight instructor authorisation/Type rating instructor rating — CRI/SFI/TRI), and other personnel undertaking flight crew instruction;*
  - (iii) *the examiners (Class rating examiner/Synthetic flight examiner/Type rating examiner — CRE/SFE/TRE); to include a method for the standardisation of the instructors and examiners;*
5. *A feedback loop for the purpose of curriculum validation and refinement, and to ascertain that the programme meets its proficiency objectives;*
6. *A method for the assessment of flight crew both during conversion and recurrent training and checking. The assessment process shall include event-*

based assessment as part of the LOE. The method of assessment shall comply with the provisions of OPS 1.965;

7. An integrated system of quality control, that ensures compliance with all the requirements processes and procedures of the programme;

8. A process that describes the method to be used if the monitoring and evaluation programmes do not ensure compliance with the established proficiency and qualification standards for flight crew;

9. A data monitoring/analysis programme.

**(c) Implementation**

The operator shall develop an evaluation and implementation strategy acceptable to the Authority;

the following requirements shall be fulfilled:

1. The implementation process shall include the following stages:

(i) a safety case that substantiates the validity of:

(A) the revised training and qualification standards when compared with the standards achieved under OR.OPS prior to the introduction of ATQP.

(B) any new training methods implemented as part of ATQP.

If approved by the Authority the operator may establish an equivalent method other than a formal safety case.

(ii) Undertake a task analysis as required by paragraph (b)2 above in order to establish the operator's programme of targeted training and the associated training objectives.

(iii) A period of operation whilst data is collected and analysed to ensure the efficacy of the safety case or equivalent and validate the task analysis. During this period the operator shall continue to operate to the pre-ATQP OR.OPS requirements. The length of this period shall be agreed with the authority;

2. The operator may then be approved to conduct training and qualification as specified under the ATQP.

**(d) Terminology**

1 Line Oriented Evaluation (LOE). LOE is an evaluation methodology used in the ATQP to evaluate

trainee performance, and to validate trainee proficiency. LOEs consist of flight simulator scenarios that are developed by the operator in accordance with a methodology approved as part of the ATQP. The LOE should be realistic and include appropriate weather scenarios and in addition should fall within an acceptable range of difficulty. The LOE should include the use of validated event sets to provide the basis for event based assessment. See paragraph 4 below.

2 Line Oriented Quality Evaluation (LOQE). LOQE is one of the tools used to help evaluate the overall performance of an operation. LOQEs consist of line flights that are observed by appropriately qualified operator personnel to provide feedback to validate the ATQP. The LOQE should be designed to look at those elements of the operation that are unable to be monitored by FDM or Advanced FDM programmes.

3 Skill based training. Skill based training requires the identification of specific knowledge and skills.

The required knowledge and skills are identified within an ATQP as part of a task analysis and are used to provide targeted training.

4 Event based Assessment. This is the assessment of flight crew to provide assurance that the required knowledge and skills have been acquired. This is achieved within an LOE. Feedback to the flight crew is an integral part of event based assessment.]

**(e) Requirements, Scope and Documentation of the Programme**

The documentation should demonstrate how the operator should establish the scope and requirements of the programme. The documentation should include:

1 How the ATQP should enable the operator to establish an alternative training programme that substitutes the requirements as listed in OR-OPS. The

programme should demonstrate that the operator is able to improve the training and qualification standards of flight crew to a level that exceeds the standard prescribed in OR-OPS.

2 The operator's training needs and established operational and training objectives.

3 How the operator defines the process for designing of and gaining approval for the operator's flight crew qualification programmes. This should include quantified operational and training objectives identified by the operator's internal monitoring programmes. External sources may also be used.

4 How the programme will:

- a. Enhance safety;
- b. Improve training and qualification standards of flight crew;
- c. Establish attainable training objectives;
- d. Integrate CRM in all aspects of training;
- e. Develop a support and feedback process to form a self-correcting training system;
- f. Institute a system of progressive evaluations of all training to enable consistent and uniform monitoring of the training undertaken by flight crew;
- g. Enable the operator to be able to respond to the new aeroplane technologies and changes in the operational environment;
- h. Foster the use of innovative training methods and technology for flight crew instruction and the evaluation of training systems;
- i. Make efficient use of training resources, specifically to match the use of training media to the training needs.

**(f) Task Analysis**

For each aeroplane type/class to be included within the ATQP the operator should establish a systematic review that determines and defines the various tasks to be undertaken by the flight crew when operating that type(s)/class. Data from other types/class may also be used. The analysis should determine and describe the knowledge and skills required to complete the various tasks specific to the aeroplane type/class and/or type of operation. In addition the analysis should identify the appropriate behavioural markers that should be exhibited. The task analysis should be suitably validated in accordance with paragraph (c)(iii). The task analysis, in conjunction with the data gathering programme(s) permit the operator to establish a programme of targeted training together with the associated training objectives described in paragraph (g) below.

**(g) Training Programme**

The training programme should have the following structure:

1 Curriculum.

1.1 Daily lesson plan.

2 The curriculum should specify the following elements:

2.1 Entry requirements: A list of topics and content, describing what training level will be required before start or continuation of training.

2.2 Topics: A description of what will be trained during the lesson;

2.3 Targets/Objectives

a. Specific target or set of targets that have to be reached and fulfilled before the training course can be continued.

b. Each specified target should have an associated objective that is identifiable both by the flight crew and the trainers.

c. Each qualification event that is required by the programme should specify the training that is required to be undertaken and the required standard to be achieved. (See paragraph j below)

3 Each lesson/course/training or qualification event should have the same basic structure. The topics related to the lesson have to be listed and the lesson targets should be unambiguous.

4 Each lesson/course or training event whether classroom, CBT or simulator

should specify the required topics with the relevant targets to be achieved.

**(h) Training Personnel**

1 Personnel who perform training and checking of flight crew in an operator's ATQP should receive the following additional training on:

- 1.1 ATQP principles and goals;
- 1.2 Knowledge/skills/behaviour as learned from task analysis;
- 1.3 LOE/ LOFT Scenarios to include triggers / markers / event sets / observable behaviour;
- 1.4 Qualification standards;
- 1.5 Harmonisation of assessment standards;
- 1.6 Behavioural markers and the systemic assessment of CRM;
- 1.7 Event sets and the corresponding desired knowledge/skills and behaviour of the flight crew;
- 1.8 The processes that the operator has implemented to validate the training and qualification standards and the instructors part in the ATQP quality control; and
- 1.9 LOQE.

**(i) Feedback Loop**

1 The feedback should be used as a tool to validate that the curricula are implemented as specified by the ATQP; this enables substantiation of the curriculum, and that proficiency and training objectives have been met. The feedback loop should include data from operations flight data monitoring, advanced FDM programme and LOE/LOQE programmes. In addition the evaluation process shall describe whether the overall targets/objectives of training are being achieved and shall prescribe any corrective action that needs to be undertaken.

2 The programmes established quality control mechanisms should at least review the following:

- 2.1 Procedures for approval of recurrent training;
- 2.2 ATQP instructor training approvals;
- 2.3 Approval of event set(s) for LOE/LOFT;
- 2.4 Procedures for conducting LOE and LOQE.

**(j) Crew Performance Measurement and Evaluation**

1 The qualification and checking programmes should include at least the following elements:

- 1.1 A specified structure;
- 1.2 Elements to be tested/examined;
- 1.3 Targets and/or standards to be attained;
- 1.4 The specified technical and procedural knowledge and skills, and behavioural markers to be exhibited.

2 An LOE event should comprise of tasks and sub-tasks performed by the crew under a specified set of conditions. Each event has one or more specific training targets/objectives, which require the performance of a specific manoeuvre, the application of procedures, or the opportunity to practise cognitive, communication or other complex skills. For each event the proficiency that is required to be achieved should be established. Each event should include a range of circumstances under which the crews' performance is to be measured and evaluated. The conditions pertaining to each event should also be established and they may include the prevailing meteorological conditions (ceiling, visibility, wind, turbulence etc.); the operational environment (navigation aid inoperable etc.); and the operational contingencies (non-normal operation etc).

3 The markers specified under the operator's ATQP should form one of the core elements in determining the required qualification standard. A typical set of markers are shown in the table below:

EVENT	MARKER
-------	--------

Awareness	1 Monitors and reports changes in automation status.
of Aeroplane Systems:	2 Applies closed loop principle in all relevant situations.
	3 Uses all channels for updates.
	4 Is aware of remaining technical resources

4 The topics / targets integrated into the curriculum have to be measurable and progression on any training/course is only allowed if the targets are fulfilled.

**(k) Data Monitoring/Analysis Programme**

1 The data analysis programme should consist of:

1.1 A Flight Data Monitoring (FDM) programme: This programme should include systematic evaluation of operational data derived from equipment that is able to record the flight profile and relevant operational information during flights conducted by the operator's aeroplane. Data collection should reach a minimum of 60% of all relevant flights conducted by the operator before ATQP approval is granted. This proportion may be increased at the discretion of the Authority.

1.2 An Advanced FDM when an extension to the ATQP is requested: An advanced FDM programme is determined by the level of integration with other safety initiatives implemented by the operator, such as the operator's Quality System. The programme should include both systematic evaluations of data from an FDM programme and flight crew training events for the relevant crews. Data collection should reach a minimum of 80% of all relevant flights and training conducted by the operator. This proportion may be varied at the discretion of the Authority.

2 The purpose of either an FDM or advanced FDM programme is to enable the operator to:

2.1 Provide data to support the programme's implementation and justify any changes to the ATQP;

2.2 Establish operational and training objectives based upon an analysis of the operational environment;

2.3 Monitor the effectiveness of flight crew training and qualification.

3 Data Gathering.

3.1 FDM programmes should include a system that captures flight data, and then transforms the data into an appropriate format for analysis. The programme should generate information to assist the operations safety personnel in analysing the data. The analysis should be made available to the ATQP postholder.

3.2 The data gathered should:

a. Include all fleets that plan to operate under the ATQP;

b. Include all crews trained and qualified under the ATQP;

c. Be established during the implementation phase of ATQP; and

d. Continue throughout the life of the ATQP.

4 Data Handling.

4.1 The operator should establish a process, which ensures the strict adherence to any data handling protocols, agreed with flight crew representative bodies, to ensure the confidentiality of individual flight crew members.

4.2 The data handling protocol should define the maximum period of time that detailed FDM or advanced FDM programme data, including exceedences, should be retained. Trend data may be retained permanently.

5 An operator that has an acceptable operations flight data monitoring programme prior to the proposed introduction of ATQP may, with the approval of the Authority, use relevant data from other fleets not part of the proposed ATQP.

**(l) Safety Case**

1.1 A documented body of evidence that provides a demonstrable and valid

*justification that the programme (ATQP) is adequately safe for the given type of operation. The safety case should encompass each phase of implementation of the programme and be applicable over the lifetime of the programme that is to be overseen.*

*1.2 The safety case should:*

- a. Demonstrate the required level of safety;*
- b. Ensure the required safety is maintained throughout the lifetime of the programme;*
- c. Minimise risk during all phases of the programmes implementation and operation.*

*2 Elements of a Safety Case:*

*2.1 Planning: Integrated and planned with the operation (ATQP) that is to be justified;*

*2.2 Criteria: Develop the applicable criteria - see paragraph 3 below;*

*2.3 Documentation: Safety related documentation – including a safety checklist;*

*2.4 Programme of implementation: To include controls and validity checks;*

*2.5 Oversight: Review and audits.*

*3 Criteria for the establishment of a Safety Case.*

*3.1 The Safety Case should:*

- a. Be able to demonstrate that the required or equivalent level of safety is maintained throughout all phases of the programme, including as required by paragraph (c) below;*
- b. Be valid to the application and the proposed operation (ATQP);*
- c. Be adequately safe and ensure the required regulatory safety standards or approved equivalent safety standards are achieved;*
- d. Be applicable over the entire lifetime of the programme;*
- e. Demonstrate Completeness and Credibility of the programme;*
- f. Be fully documented;*
- g. Ensure integrity of the operation and the maintenance of the operations and training infra-structure;*
- h. Ensure robustness to system change;*
- i. Address the impact of technological advance, obsolescence and change;*
- j. Address the impact of regulatory change.*

*4 In accordance with paragraph (c) the operator may develop an equivalent method other than that specified above.*

comment

3018

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

1.1 Ground training.

1.1.1 The ground training programme should include:

- a. Aircraft systems;
- b. Operational procedures and requirements including **ground de-icing/anti-icing and pilot incapacitation;** and
- c. Accident/Incident and occurrence review.

**Comment:**

it speaks at the end of the text about "ground de-icing/anti-icing and pilot incapacitation..". Does this wording belong here?

comment

3063

comment by: *Virgin Atlantic Airways***Relevant Text:**

AMC 1 OR.OPS.145.FC 2.3 line Checks

2.3.6 Line checks should be conducted by a pilot in command nominated by the operator. **The person conducting the line check, who is described in 4.5.2 below, should occupy an observer's seat where installed.** His CRM assessments should solely be based on observations made during the initial briefing, cabin briefing, cockpit briefing and those phases where he occupies the observer's seat.

**Comment:**

Whilst 2.3.6.1 addresses one aspect of long/ultra long haul, nothing addresses the inevitable issue that a long haul operator will have, where a disproportionately greater number of F/Os are required.

VAA contends that a Line Check could be carried out on a first officer by a suitably qualified Captain from the Commander's seat and previous experience has shown that a line Check can be properly conducted under these circumstances

This was an acceptable practice until Appendix 1 to JAR-OPS 1.965 was amended on the 01.08.2006. Additionally we were able to continue this practice beyond this date until the introduction of EU-OPS on the 16th July 2008.

**Proposal**

2.3.6 Line checks should be conducted by a pilot in command nominated by the operator. **The person conducting the line check, who is described in 4.5.2 below, should occupy an observer's seat whenever CRM aspects are to be observed.** His CRM assessments should solely be based on observations made during the initial briefing, cabin briefing, cockpit briefing and those phases where he occupies the observer's seat.

comment

3109

comment by: ERA

**European Regions Airline Association Comment**

ERA members have been in the forefront of applying pressure on EASA to develop without delay rulemaking action on aircraft ground de-icing / anti-icing operations. EASA consider this and other areas of this NPA provide provisions that may meet the concerns related to any lack of current individual rulemaking activity in this area. The ERA Directorate would disagree and stress that EASA as a matter of urgency should be looking at rulemaking action.

There is a need for explicit statements on the establishment of procedures and methods to be considered for incorporation.

comment

3258

comment by: Hans MESSERLI

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training

(annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3259

comment by: *Hans MESSERLI*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3411

comment by: *Virgin Atlantic Airways*

**Relevant Text:**

**1.2.3 Every 3 years the programme of training should include the following:**

- a. Actual operation of all types of exits;
- b. Demonstration of the method used to operate a slide where fitted;
- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;
- d. The effects of smoke in an enclosed area and actual use of all relevant equipment in a simulated smoke-filled environment;
- e. Actual handling of pyrotechnics, real or simulated, where applicable;
- f. Demonstration in the use of the life-rafts where fitted. In the case of helicopters involved in extended over water operations, demonstration and use of the life-rafts; and
- g. First aid, appropriate to the aircraft type, the kind of operation and

**Comment:**

Require clarification regarding how this 3 yearly requirement fits in with the 12 month alleviation allowing the retention of original expiry when undertaken in the 3 months prior to expiry.

**Proposal**

**1.2.3 Initial Training and each subsequent 3rd year, the programme of training should also include the following:**

- a. Actual operation of all types of exits;
- b. Demonstration of the method used to operate a slide where fitted;
- c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;
- d. The effects of smoke in an enclosed area and actual use of all relevant equipment in a simulated smoke-filled environment;
- e. Actual handling of pyrotechnics, real or simulated, where applicable;
- f. Demonstration in the use of the life-rafts where fitted. In the case of helicopters involved in extended over water operations, demonstration and use of the life-rafts; and
- g. First aid, appropriate to the aircraft type, the kind of operation and

comment

3450

comment by: *UK CAA*

**Page No:** 90

**Paragraph No:**  
AMC1 OR.OPS.145.FC para 2.1.2.1

**Comment:**

The word "operator" should be included immediately before "proficiency checks" to ensure that operators understand that the proficiency checks are not those of the Part FCL.

**Justification:**

Clarification of content

**Proposed Text (if applicable):** Amend text as follows;  
"Where applicable, *operator* proficiency checks..."

comment

3486

comment by: *Trans Héli (pf)*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3487

comment by: *Trans Héli (pf)*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3498

comment by: *IATA*

1.2.3 Every 3 years the programme of training should include the following:

a.....

b.....

c. Actual fire-fighting using equipment representative of that carried in the aircraft on an actual or simulated fire;

The exception for Halon (see EU OPS) is missing.

Proposal:

Add: ... except that, with Halon extinguishers, an alternative method acceptable to the competent authority may be used.

1.1 Ground training.

It should be clear that ground training includes CBT

- comment 3591 comment by: *Heliswiss International*
- 1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 3593 comment by: *Heliswiss International*
- 2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).
- comment 3733 comment by: *DCAA*
- Pt, 2.1.2 Helicopters:
- Add the same text as mentioned for aeroplanes pt. 2.1.1.3:  
Proposed text:  
2.1.2.4 Once every 12 months the checks prescribed in sub-paragraph 2.1.2.1 may be combined with the proficiency check for revalidation or renewal of the aircraft type rating.
- Further add the text from aeroplanes pt. 2.1.1.5:  
Proposed text:
- 2.1.2.5 Operator Proficiency checks should be conducted by a type rating examiner (TRE) or a synthetic flight examiner (SFE), as applicable.
- comment 3749 comment by: *Christian Hölzle*
- 1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3750 comment by: *Christian Hölzle*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3805 comment by: *Swiss Helicopter Group*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3807 comment by: *Swiss Helicopter Group*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment 3882 comment by: *Ryanair*

Comment ref 2.1.2.1 Page 90

This text is imprecise unless the intention is to have all the systems listed in the section tested in each OPC. It must be made clear that the systems listed are part of the 3 year cycle of "major failures of aircraft systems" and only 3 of these listed systems need be checked in each OPC.

Proposal

2.1.2.1 Where applicable, proficiency checks should at least three of the following abnormal/emergency procedures;

a.....  
b.....  
etc

comment 3887 comment by: *Eliticino SA*

1.3.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National

Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3888

comment by: *Elitcino SA*

2.1.2 : Owing to the high number of checks it should be possible to combine with PPC or other related checks in accordance with the National Authority. Flight crew undergo 14 checks : HELO recency, NVIS (3 missions in 90 days), HHO (3 night hoist cycle in 90 days), HEMS (30 minutes IFR in 6 months), HEMS VMC prof check, HEMS Night prof check, HEMS line check, Recurrent training on each type, CRM annual check, OPS prof. check (check valid 6 months), Emergency and safety check (annual), Ground training (annual), Commercial OPS other than CAT (annual check), dangerous check (2 years).

comment

3904

comment by: *AIR FRANCE***Relevant Text:**

g. First aid, appropriate to the aircraft type, the kind of operation and crew complement.

**Comment:**

Recurrent First Aid Training is a new requirement to flight crew in comparison with EU OPS. The form of appropriate training is not mentioned and no impact assessment has been done.

**Proposal:**

Stick to EU OPS appendix 1 to OPS1.965.p

comment

4027

comment by: *Axel Schwarz*

Operator proficiency checks, item 2.1.1.1: Include the requirement to perform the manoeuvres "as pilot flying".

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - AMC3 OR.OPS.145.FC Recurrent training and checking**

p. 93

comment

202

comment by: *ECA - European Cockpit Association*

Comment on AMC3 OR.OPS.145.FC: Change all references to "system panel operators" to "flight engineer":

AMC3 OR.OPS.145.FC Recurrent training and checking

**~~SYSTEM PANEL OPERATORS~~ FLIGHT ENGINEERS**

1 The recurrent training and checking for ~~System Panel Operators~~ **flight engineers** should meet the requirements for pilots and any additional specific duties, omitting those items that do not apply to ~~System Panel Operators~~ **flight engineers**

2 Recurrent training and checking for ~~System Panel Operators~~ **flight engineers** should, whenever possible, take place concurrently with a pilot

undergoing recurrent training and checking.  
 3 A line check should be conducted by a pilot in command or by a **system panel operator flight engineer** nominated by the operator, in accordance with national rules, if applicable.

Justification:

Remove the term "system panel operator"  
 The station on the a/c is a flight engineer station  
 The pilot operating in this position will have been given flight engineer duty training  
 OR.OPS.025FC states flight engineer and flight engineer station

comment

3451

comment by: UK CAA

**Page No:** 93

**Paragraph No:**  
 AMC3 OR.OPS.145.FC

**Comment:**

The title and content of the reference refers to "System Panel Operators" but in OR.OPS.145.FC there is no reference to them only to flight crew. OR.OPS.025.FC refers to Flight Engineers and if the System Panel Operator in the AMC3 refers to Flight Engineers then it should say so. Flight Engineers are classified as flight crew.

**Justification:**

Consistency of flight crew classification throughout the document.

**Proposed Text (if applicable):**

Change the title and all references from "System Panel Operators " to "*Flight Engineers*". It is believed that there are no aircraft in the EU that have flight crew other than flight engineers and pilots.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - GM OR.OPS.145.FC Recurrent training and checking** p. 93-94

comment

659

comment by: AEA

**Relevant Text:**

Para 6 'The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part-FCL. In this case a combined check report may be used, details of which should be contained in the operations manual

**Comment:**

The provision for combining operator proficiency check with the check required by FCL is covered only under a GM. In order for that to be allowed, it should be at law level,;

**Proposal:**

Add (i) to OR.OPS.145.FC Recurrent training and checking

(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.

comment

1427

comment by: UK CAA

**Page No:** 93**Paragraph No:** AMC2.OR.OPS.145.FC

**Comment:** Water survival training should include a mandatory requirement to undergo underwater escape training for those operators who predominately operate offshore.

**Justification:** There is clear evidence that upon ditching, a helicopter is highly likely to overturn and submerge the crew and cabin compartments with an escape being made through emergency exits. It is already a requirement for 3 yearly instruction and use of emergency exits but this stops short of a meaningful drill. Likewise, survivability for passengers is predicated upon the crew commencing survival drills, which can only happen if they have escaped the ditched aircraft.

**Proposed Text (if applicable):**

2. Where operations are predominately conducted offshore, operators are to conduct 3 yearly Helicopter Underwater Escape Training at an appropriate facility.

comment

1460

comment by: Pietro Barbagallo ENAC

**Comment:** 3.1 The phrase....All other training and checking..... should be changed as follows: All other training and checking should be performed in an FSTD, an approved flight simulator or, if the previous are not available, in an aircraft of the same type or in the case of emergency and safety equipment training, in a representative training device. All the rest unchanged.

**Justification:** As it is written the phrase has led to endless arguing with Operators that don't like simulators for various reasons and prefer proficiency checks on the aeroplane. This deprives their crews of the essential non normal and emergency drills that, for safety reasons, can't be simulated in flight. The comment is intended to add more emphasis on simulator checking.

comment

1669

comment by: TAP Portugal

**Relevant Text:**

Para 6 'The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part-FCL. In this case a combined check report may be used, details of which should be contained in the operations manual

**Comment:**

The provision for combining operator proficiency check with the check required by FCL is covered only under a GM. In order for that to be allowed, it should be at law level,:

**Proposal:**

Add (i) to OR.OPS.145.FC Recurrent training and checking

(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.

comment

1761 □

comment by: Airbus

**OR.OPS.145.FC Recurrent training and checking**

**Comment,:** the provision for combining operator proficiency check with the check required by FCL is covered only under GM OR.OPS.145.FC §6. In order for that to be allowed, it should be at law level.

**Proposal:** to keep guidance material as is, BUT to insert in Part OR a new § (i) to read:

*(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.*

comment

2174

comment by: *AUSTRIAN Airlines***Relevant Text:**

Para 6 'The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part-FCL. In this case a combined check report may be used, details of which should be contained in the operations manual

**Comment:**

The provision for combining operator proficiency check with the check required by FCL is covered only under a GM. In order for that to be allowed, it should be at law level,;

**Proposal:**

Add (i) to OR.OPS.145.FC Recurrent training and checking

(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.

comment

2469

comment by: *KLM***Relevant Text:**

Para 6 'The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part-FCL. In this case a combined check report may be used, details of which should be contained in the operations manual

**Comment:**

The provision for combining operator proficiency check with the check required by FCL is covered only under a GM. In order for that to be allowed, it should be at law level,;

**Proposal:**

Add (i) to OR.OPS.145.FC Recurrent training and checking

(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.

comment

2656

comment by: *Deutsche Lufthansa AG***Relevant Text:**

Para 6 'The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part-FCL. In this case a combined check report may be used, details of which should be contained in the operations manual

**Comment:**

The provision for combining operator proficiency check with the check required

by FCL is covered only under a GM. In order for that to be allowed, it should be at law level,;

**Proposal:**

Add (i) to OR.OPS.145.FC Recurrent training and checking

(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.

comment

3019

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Para 6 'The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part-FCL. In this case a combined check report may be used, details of which should be contained in the operations manual

**Comment:**

The provision for combining operator proficiency check with the check required by FCL is covered only under a GM. In order for that to be allowed, it should be at law level,;

**Proposal:**

Add (i) to OR.OPS.145.FC Recurrent training and checking

(i) The operator proficiency check may be combined with the annual type or class rating or instrument rating proficiency checks in accordance with Part FCL.

comment

3452

comment by: *UK CAA*

**Page No:** 94

**Paragraph No:**

GM OR.OPS.145.FC para 5

**Comment:**

The paragraph refers to the use of FSTDs for training but only for helicopters. There are emergency practices in aeroplanes that must not be simulated in the aircraft because of the danger in which they would place the aircraft e.g. rejected take-off, explosive decompression etc. and if it is felt that helicopter training and testing needs a simulator for emergency exercises the same must be true for aeroplanes.

**Justification:** Consistency of safety training requirements in aircraft.

**Proposed Text (if applicable):** reword para 5.2 as follows:

*5.3 Aeroplanes & Helicopters*

*5.2.3 Where 'helicopter' is used replace with a generic term such as 'aircraft' or 'helicopter and aeroplane'*

comment

3453

comment by: *UK CAA*

**Page No:** 94

**Paragraph No:**

GM OR.OPS.145.FC para 5.2.1

**Comment:**

This comment relates to safety aspects of training and testing in helicopters that do not have an FSTD and therefore has no place in paragraph 5.2 which relates to training and testing in an FSTD.

**Justification:**

Logical progression of training and testing in an FSTD **not** the helicopter.

**Proposed Text (if applicable):** Delete paragraph 5.2.1 and renumber.

comment

3454

comment by: UK CAA

**Page No:** 94

**Paragraph No:**

GM OR.OPS.145.FC para 5.2.2

**Comment:**

The content of this paragraph applies to any training and testing conducted as part of a proficiency check. It isn't only applicable to FSTD training and testing and therefore should be removed from this particular paragraph and placed in general training & testing at AMC1 OR.OPS.135.FC (page 85) as a new para 1.3

**Justification:**

It is applicable to all forms of training and testing

**Proposed Text (if applicable):** Delete existing paragraph 5.2.2 (then renumber) and re-insert same text as a new paragraph in AMC1 OR.OPS.135.FC para 1.3

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - AMC1 OR.OPS.155.FC Operation on more than one type or variant**

p. 94-96

comment

299

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.155.FC: Change AMC reference to "OR.OPS.055.FC".

**Justification:**

Although EU OPS deals only with commercial air transport, its criteria are also applicable to all types of operation.

comment

300

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.155.FC 1.1: Change wording to specify single-pilot and multiple license endorsements criteria for paragraph.

**Justification:**

Criteria missing from appendix 1 to OPS 1.980, (a)

comment

377

comment by: Reto Ruesch

AMC OR Ops 155 FC  
Ops of more than 1 type, 2.1 e, max 3 types

The types shall remain valid as long as a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types is not acceptable for small operators. As long as training recency is provided operations with different types shall be accepted by the National Authority.

comment

491

comment by: *Heli Gotthard*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

3. Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

515

comment by: *Stefan Huber*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

572

comment by: *Air-Glaciers (pf)*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

573

comment by: *Air-Glaciers (pf)*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

697

comment by: *Dassault Aviation*

Technical comment.

Page 95 AMC1 OR.OPS.155.FC §1.4.b.i: Operations on more than one type or

variant / Before exercising the privileges of 2 licence endorsement: this subparagraph of this AMC - coming from Appendix 1 to EU/JAR-OPS1.980 - says that "flight crew members [...] should have 500 hours in the relevant crew position in commercial air transport operations within the same operator". Our comment is to say that this high number of flight hours (500) within the same operator, and in CAT operations, is too much burdensome, especially in the business aviation world. If a flight crew wants to benefit from this requirement, the constraints "same operator" and "CAT" needs to be relaxed, at least for the business aviation world. Our proposal for this § is to remove "within the same operator" and "CAT" to read "*flight crew members should have completed two consecutive operator proficiency checks and should have completed 500 hours in the relevant crew position*"

comment

819

comment by: SHA (AS)

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

840

comment by: Berner Oberländer Helikopter AG BOHAG

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

841

comment by: Berner Oberländer Helikopter AG BOHAG

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

903

comment by: ECA - European Cockpit Association

Comment on AMC1 OR.OPS.155.FC: Upgrade text from App 1 1.980 to IR

Justification:

Downgrading of former App 1 EU-OPS 1.980 to AMC is not acceptable

comment

938

comment by: Heliswiss AG, Belp

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

Provision shall be made for pilot's flying both aeroplane and helicopter. No

limitation of number of aircraft type provided the operations with different types are accepted by the National Authority

comment

976

comment by: *Heliswiss*

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comment

977

comment by: *Heliswiss*

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comment

1028

comment by: *Dirk Hatebur*

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comment

1029

comment by: *Dirk Hatebur*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

1061

comment by: *AEA*

### Relevant text

- 1 1.2 When a flight crew member operates more than one aeroplane type or variant within one or more license endorsements ...  
1.4 When a flight crew member operates more than one aeroplane type or variant...

### Comment:

Transferring appendix 1 of OPS 1.980 is adequate provided that provisions for allowance of credit described in this AMC are contained and authorized at implementing rule (law) level (see previous comments).

In addition, it is suggested to introduce adequate reference to Part 21 OSC, so as to allow the Aircraft manufacturers to demonstrate commonality and have operators taking credit from this work. This should not be misinterpreted as AEA support for the current O-SC concept and process (see AEA comments to

NPA 2009-1) but it should be seen as a desire from AEA/operators to get credit from existing JOEB processes.

**Proposal:**

***Proposal: Suggest to modify § 1.2 and § 1.4 as follows (see highlighted bold text):***

1.2 When a flight crew member operates more than one aeroplane type or variant within one or more licence endorsement as defined by Part FCL and associated procedures for type – multi pilot, an operator should ensure that:

- a. The minimum flight crew complement specified in the Operations Manual is the same for each type or variant to be operated;
- b. A flight crew member does not operate more than two aeroplane types or variants for which a separate licence endorsement is required, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**

1.4 When a flight crew member operates more than one aeroplane type or variant and associated procedures for type-multi pilot, but not within a single licence endorsement, the operator should comply with the following:

- a. Subparagraph 1.2 above;
- b. Before exercising the privileges of **2 more than one** licence endorsement:
  - i. Flight crew members should have completed two consecutive operator proficiency checks and should have 500 hours in the relevant crew position in commercial air transport operations with the same operator.
  - ii. In the case of a pilot having experience with an operator and exercising the privileges of **2 more than one** licence endorsements, and then being promoted to command with the same operator on one of those types, the required minimum experience as pilot in command is 6 months and 300 hours, and the pilot should have completed 2 consecutive operator proficiency checks before again being eligible to exercise **2 more than one** licence endorsement.
- c. Before commencing training for and operation of another type or variant, flight crew members should have completed 3 months and 150 hours flying on the base aeroplane which should include at least one proficiency check, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
- d. After completion of the initial line check on the new type, 50 hours flying or 20 sectors should be achieved solely on aeroplanes of the new type rating, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
- e. Recent experience requirements established in Part FCL **and approved in accordance with Part 21, if applicable,** for each type operated, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
- f. The period within which line flying experience is required on each type should be specified in the Operations Manual.
- g. When credits are established and approved in accordance with Part 21 for the relevant type or variant, this should be reflected in the training required in OR.OPS.145.FC and:
  - i. OR.OPS.145(b) requires two operator proficiency checks every year. When credit is approved in accordance with Part 21 for operator proficiency checks to alternate between **the two** types, each operator proficiency check revalidates the operator proficiency check for the other types. The operator proficiency check may be combined with the proficiency checks for revalidation or renewal

of the aeroplane type rating or the instrument rating in accordance with Part FCL.

When credit for line check is approved in accordance with Part 21, line check may then be conducted as specified in the Operational Suitability Certificate issued in accordance with Part 21.

h. Annual emergency and safety equipment training and checking should cover all requirements for each type.

comment

1321

comment by: *Catherine Nussbaumer*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

1345

comment by: *Jan Brühlmann*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

1346

comment by: *Jan Brühlmann*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

1558

comment by: *Pascal DREER*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

1670

comment by: TAP Portugal

**Relevant text**

1 1.2 When a flight crew member operates more than one aeroplane type or variant within one or more license endorsements ...

1.4 When a flight crew member operates more than one aeroplane type or variant...

**Comment:**

Transferring appendix 1 of OPS 1.980 is adequate provided that provisions for allowance of credit described in this AMC are contained and authorized at implementing rule (law) level (see previous comments).

In addition, it is suggested to introduce adequate reference to Part 21 OSC, so as to allow the Aircraft manufacturers to demonstrate commonality and have operators taking credit from this work. This should not be misinterpreted as AEA support for the current O-SC concept and process (see AEA comments to NPA 2009-1) but it should be seen as a desire from AEA/operators to get credit from existing JOEB processes.

**Proposal:**

***Proposal: Suggest to modify § 1.2 and § 1.4 as follows (see highlighted bold text):***

1.2 When a flight crew member operates more than one aeroplane type or variant within one or more licence endorsement as defined by Part FCL and associated procedures for type – multi pilot, an operator should ensure that:

- a. The minimum flight crew complement specified in the Operations Manual is the same for each type or variant to be operated;
- b. A flight crew member does not operate more than two aeroplane types or variants for which a separate licence endorsement is required, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**

1.4 When a flight crew member operates more than one aeroplane type or variant and associated procedures for type-multi pilot, but not within a single licence endorsement, the operator should comply with the following:

- a. Subparagraph 1.2 above;
- b. Before exercising the privileges of **2 more than one** licence endorsement:
  - i. Flight crew members should have completed two consecutive operator proficiency checks and should have 500 hours in the relevant crew position in commercial air transport operations with the same operator.
  - ii. In the case of a pilot having experience with an operator and exercising the privileges of **2 more than one** licence endorsements, and then being promoted to command with the same operator on one of those types, the required minimum experience as pilot in command is 6 months and 300 hours, and the pilot should have completed 2 consecutive operator proficiency checks before again being eligible to exercise **2 more than one** licence endorsement.
- c. Before commencing training for and operation of another type or variant, flight crew members should have completed 3 months and 150 hours flying on the base aeroplane which should include at least one proficiency check, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
- d. After completion of the initial line check on the new type, 50 hours flying or 20 sectors should be achieved solely on aeroplanes of the new type rating, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
- e. Recent experience requirements established in Part FCL ~~and approved in accordance with Part 21, if applicable,~~ for each type operated, **unless otherwise specified in the Operational Suitability Certificate issued in**

**accordance with Part 21.**

f. The period within which line flying experience is required on each type should be specified in the Operations Manual.

g. When credits are established and approved in accordance with Part21 for the relevant type or variant, this should be reflected in the training required in OR.OPS.145.FC and:

i. OR.OPS.145(b) requires two operator proficiency checks every year. When credit is approved in accordance with Part21 for operator proficiency checks to alternate between ~~the two~~ types, each operator proficiency check revalidates the operator proficiency check for the other types. The operator proficiency check may be combined with the proficiency checks for revalidation or renewal of the aeroplane type rating or the instrument rating in accordance with Part FCL.

When credit for line check is approved in accordance with Part 21, line check may then be conducted as specified in the Operational Suitability Certificate issued in accordance with Part 21.

h. Annual emergency and safety equipment training and checking should cover all requirements for each type.

comment

1733

comment by: REGA

**2.1. c)** To facilitate and to be able to plan more efficient the training and checking of crew members (Flight Crew and Technical Crew Member), the period of validity should be equal for all kind of checks. REGA decided to check the crew member every 12 months for their relevant duties. After several years of experience REGA does not see any advantage in shorter checking periods or any negative impact regarding to flight safety.

**Proposal (c)**

The period of validity for Operator Proficiency Check, Line Check, Emergency and Safety Checks and the according training shall be 12 months.

2.1. e) Technology, operational procedures, handling characteristics of non-complex helicopters are quite similar. A limitation of only 3 types of non-complex helicopters is not proportional to flight safety targets. As long as training recency is provided operations with different types of non-complex helicopters shall be accepted by the competent Authority.

3.1 To limit the amount of types without neither consider their complexity nor certified take-off mass (MCTOM) or the maximum passenger seating configuration seems not adequate.

**Proposal (3)**

*For a combination of helicopter and aeroplane.*

*3.1 a) flight crew member may fly two complex helicopters and two non-complex aeroplanes or one complex aeroplane;*

*3.1 b) flight crew member may fly two complex aeroplane and two non-complex helicopters or one complex helicopter.*

comment

1797

comment by: Airbus

**AMC1 OR.OPS.155.FC Operation on more than one type or variant**

1.2 When a flight crew member operates more than one aeroplane type or variant within one or more licence endorsement as defined by PartFCL and associated procedures for type – multi pilot, an operator should ensure that:

a. The minimum flight crew complement specified in the Operations Manual is

the same for each type or variant to be operated;

b. A flight crew member does not operate more than two aeroplane types or variants for which a separate licence endorsement is required;

**Comment 1 :** the highlighted limitation is now in an AMC. Historically it was a safeguard to avoid a flight crew operate aeroplanes under different license endorsement for which there was no real commonality concept. With the technology advances within cockpit and flight characteristics (fly by wire) this limitation may not be necessarily justified if aircraft manufacturers under the Operational Suitability process are able to demonstrate that this could be achieved. It is the reason why Airbus recommend to keep the limitation in the AMC for combination of aircraft for which no demonstration has been made, but Airbus would like to recommend taking benefit of the newly suggested Operational Suitability Certificate to provide an alternate way.

Under the OSC, a manufacturer may elect to demonstrate commonality and recommendations for operations of more than one type or variant, and results of this demonstration should then be available for use by the operators if they would wish.

**Proposal 1:** amend AMC1 OR.OPS.155.FC § 1.2 b to read:

"A flight crew member does not operate more than two aeroplane types or variants for which a separate licence endorsement is required, unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21."

**Comment 2 :** as a consequence of adjustment of § 1.2 b, the reference to 2 licence endorsements need to be adjusted in paragraph 1.4.

In line with this potential capability of the aircraft manufacturer to demonstrate commonality credit recognised/approved in the proposed Operational Suitability Certificate, the consolidation period of § 1.4.d suggesting 50 hours flying or 20 sectors, could be potentially reduced if aircraft are demonstrated to be very similar: same approach would apply for the recent experience requirements, recurrent training and checking as well as line check.

**Proposal 2:** amend AMC1 OR.OPS.155.FC § 1.4 (suggested changes are identified by strikethrough and highlight):

1.4 When a flight crew member operates more than one aeroplane type or variant and associated procedures for type-multi pilot, but not within a single licence endorsement, the operator should comply with the following:

a. Subparagraph 1.2 above;

b. Before exercising the privileges of **2 more than one** licence endorsement:

i. Flight crew members should have completed two consecutive operator proficiency checks and should have 500 hours in the relevant crew position in commercial air transport operations with the same operator.

ii. In the case of a pilot having experience with an operator and exercising the privileges of **2 more than one** licence endorsements, and then being promoted to command with the same operator on one of those types, the required minimum experience as pilot in command is 6 months and 300 hours, and the pilot should have completed 2 consecutive operator proficiency checks before again being eligible to exercise **2 more than one** licence endorsement.

c. Before commencing training for and operation of another type or variant, flight crew members should have completed 3 months and 150 hours flying on the base aeroplane which should include at least one proficiency check, **unless otherwise specified in the Operational Suitability Certificate issued in**

**accordance with Part 21.**

d. After completion of the initial line check on the new type, 50 hours flying or 20 sectors should be achieved solely on aeroplanes of the new type rating, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**

e. Recent experience requirements established in Part FCL ~~and approved in accordance with Part 21, if applicable,~~ for each type operated, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**

f. The period within which line flying experience is required on each type should be specified in the Operations Manual.

g. When credits are established and approved in accordance with Part 21 for the relevant type or variant, this should be reflected in the training required in OR.OPS.145.FC and:

i. OR.OPS.145(b) requires two operator proficiency checks every year. When credit is approved in accordance with Part 21 for operator proficiency checks to alternate between ~~the two~~ types, each operator proficiency check revalidates the operator proficiency check for the other types. The operator proficiency check may be combined with the proficiency checks for revalidation or renewal of the aeroplane type rating or the instrument rating in accordance with Part FCL.

ii. ~~OR.OPS.145 (c) requires one line check every year, When credit is approved in accordance for Part 21 for line checks to alternate between types or variants, each line check revalidates the line check for the other types or variant.~~ **When credit for line check is approved in accordance with Part 21, line check may then be conducted as specified in the Operational Suitability Certificate issued in accordance with Part 21.**

h. Annual emergency and safety equipment training and checking should cover all requirements for each type.

comment 2175

comment by: AUSTRIAN Airlines

**Relevant text**

1.1.2 When a flight crew member operates more than one aeroplane type or variant within one or more license endorsements ...

1.1.4 When a flight crew member operates more than one aeroplane type or variant...

**Comment:**

Transferring appendix 1 of OPS 1.980 is adequate provided that provisions for allowance of credit described in this AMC are contained and authorized at implementing rule (law) level (see previous comments).

In addition, it is suggested to introduce adequate reference to Part 21 OSC, so as to allow the Aircraft manufacturers to demonstrate commonality and have operators taking credit from this work. This should not be misinterpreted as AUSTRIAN support for the current O-SC concept and process (see AUSTRIAN comments to NPA 2009-1) but it should be seen as a desire from AUSTRIAN/operators to get credit from existing JOEB processes.

**Proposal:**

***Proposal: Suggest to modify § 1.2 and § 1.4 as follows (see highlighted bold text):***

1.2 When a flight crew member operates more than one aeroplane type or

variant within one or more licence endorsement as defined by Part FCL and associated procedures for type – multi pilot, an operator should ensure that:

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- c. Before commencing training for and operation of another type or variant, flight crew members should have completed 3 months and 150 hours flying on the base aeroplane which should include at least one proficiency check, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
- d. After completion of the initial line check on the new type, 50 hours flying or 20 sectors should be achieved solely on aeroplanes of the new type rating, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
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- g. When credits are established and approved in accordance with Part 21 for the relevant type or variant, this should be reflected in the training required in OR.OPS.145.FC and:
  - i. OR.OPS.145(b) requires two operator proficiency checks every year. When credit is approved in accordance with Part 21 for operator proficiency checks to alternate between ~~the two~~ types, each operator proficiency check revalidates the operator proficiency check for the other types. The operator proficiency check may be combined with the proficiency checks for revalidation or renewal of the aeroplane type rating or the instrument rating in accordance with Part FCL.

**When credit for line check is approved in accordance with Part 21, line check may then be conducted as specified in the Operational Suitability Certificate issued in accordance with Part 21.**

- h. Annual emergency and safety equipment training and checking should cover all requirements for each type.

comment 2250

comment by: HDM Luftrettung gGmbH

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comment

2271

comment by: *Benedikt SCHLEGEL*

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Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

2471

comment by: *KLM***Relevant text**

1 1.2 When a flight crew member operates more than one aeroplane type or variant within one or more license endorsements ...

1.4 When a flight crew member operates more than one aeroplane type or variant...

**Comment:**

Transferring appendix 1 of OPS 1.980 is adequate provided that provisions for allowance of credit described in this AMC are contained and authorized at implementing rule (law) level (see previous comments).

In addition, it is suggested to introduce adequate reference to Part 21 OSC, so as to allow the Aircraft manufacturers to demonstrate commonality and have operators taking credit from this work. This should not be misinterpreted as AEA support for the current O-SC concept and process (see AEA comments to NPA 2009-1) but it should be seen as a desire from AEA/operators to get credit from existing JOEB processes.

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***Proposal: Suggest to modify § 1.2 and § 1.4 as follows (see highlighted bold text):***

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1.4 When a flight crew member operates more than one aeroplane type or

variant and associated procedures for type-multi pilot, but not within a single licence endorsement, the operator should comply with the following:

- a. Subparagraph 1.2 above;
- b. Before exercising the privileges of **2 more than one** licence endorsement:
  - i. Flight crew members should have completed two consecutive operator proficiency checks and should have 500 hours in the relevant crew position in commercial air transport operations with the same operator.
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- c. Before commencing training for and operation of another type or variant, flight crew members should have completed 3 months and 150 hours flying on the base aeroplane which should include at least one proficiency check, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
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**When credit for line check is approved in accordance with Part 21, line check may then be conducted as specified in the Operational Suitability Certificate issued in accordance with Part 21.**

- h. Annual emergency and safety equipment training and checking should cover all requirements for each type.

comment 2657

comment by: Deutsche Lufthansa AG

**Relevant text**

- 1 1.2 When a flight crew member operates more than one aeroplane type or variant within one or more license endorsements ...
- 1.4 When a flight crew member operates more than one aeroplane type or variant...

**Comment:**

Transferring appendix 1 of OPS 1.980 is adequate provided that provisions for allowance of credit described in this AMC are contained and authorized at

implementing rule (law) level (see previous comments).

In addition, it is suggested to introduce adequate reference to Part 21 OSC, so as to allow the Aircraft manufacturers to demonstrate commonality and have operators taking credit from this work. This should not be misinterpreted as Lufthansa support for the current O-SC concept and process (see Lufthansa comments to NPA 2009-1) but it should be seen as a desire from operators to get credit from existing JOEB processes.

**Proposal:**

***Suggest to modify § 1.2 and § 1.4 as follows (see highlighted bold text):***

1.2 When a flight crew member operates more than one aeroplane type or variant within one or more licence endorsement as defined by Part FCL and associated procedures for type – multi pilot, an operator should ensure that:

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  - i. Flight crew members should have completed two consecutive operator proficiency checks and should have 500 hours in the relevant crew position in commercial air transport operations with the same operator.
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- c. Before commencing training for and operation of another type or variant, flight crew members should have completed 3 months and 150 hours flying on the base aeroplane which should include at least one proficiency check, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
- d. After completion of the initial line check on the new type, 50 hours flying or 20 sectors should be achieved solely on aeroplanes of the new type rating, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
- e. Recent experience requirements established in Part FCL **and approved in accordance with Part 21, if applicable,** for each type operated, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**
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of the aeroplane type rating or the instrument rating in accordance with Part FCL.

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h. Annual emergency and safety equipment training and checking should cover all requirements for each type.

comment

3020

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text**

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1.4 When a flight crew member operates more than one aeroplane type or variant...

**Comment:**

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1.2 When a flight crew member operates more than one aeroplane type or variant within one or more licence endorsement as defined by Part FCL and associated procedures for type – multi pilot, an operator should ensure that:

a. The minimum flight crew complement specified in the Operations Manual is the same for each type or variant to be operated;

b. A flight crew member does not operate more than two aeroplane types or variants for which a separate licence endorsement is required, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**

1.4 When a flight crew member operates more than one aeroplane type or variant and associated procedures for type-multi pilot, but not within a single licence endorsement, the operator should comply with the following:

a. Subparagraph 1.2 above;

b. Before exercising the privileges of **2 more than one** licence endorsement:

i. Flight crew members should have completed two consecutive operator proficiency checks and should have 500 hours in the relevant crew position in commercial air transport operations with the same operator.

ii. In the case of a pilot having experience with an operator and exercising the privileges of **2 more than one** licence endorsements, and then being promoted to command with the same operator on one of those types, the required minimum experience as pilot in command is 6 months and 300 hours, and the pilot should have completed 2 consecutive operator proficiency checks before again being eligible to exercise **2 more than one** licence endorsement.

c. Before commencing training for and operation of another type or variant, flight crew members should have completed 3 months and 150 hours flying on

the base aeroplane which should include at least one proficiency check, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**

d. After completion of the initial line check on the new type, 50 hours flying or 20 sectors should be achieved solely on aeroplanes of the new type rating, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**

e. Recent experience requirements established in Part FCL ~~and approved in accordance with Part 21, if applicable,~~ for each type operated, **unless otherwise specified in the Operational Suitability Certificate issued in accordance with Part 21.**

f. The period within which line flying experience is required on each type should be specified in the Operations Manual.

g. When credits are established and approved in accordance with Part 21 for the relevant type or variant, this should be reflected in the training required in OR.OPS.145.FC and:

i. OR.OPS.145(b) requires two operator proficiency checks every year. When credit is approved in accordance with Part 21 for operator proficiency checks to alternate between **the two** types, each operator proficiency check revalidates the operator proficiency check for the other types. The operator proficiency check may be combined with the proficiency checks for revalidation or renewal of the aeroplane type rating or the instrument rating in accordance with Part FCL.

**When credit for line check is approved in accordance with Part 21, line check may then be conducted as specified in the Operational Suitability Certificate issued in accordance with Part 21.**

h. Annual emergency and safety equipment training and checking should cover all requirements for each type.

comment

3260

comment by: Hans MESSERLI

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

3261

comment by: Hans MESSERLI

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

3455

comment by: UK CAA

**Page No:** 95

**Paragraph No:**  
AMC1 OR.OPS.155.FC 1.4 i. ii. and h.

**Comment:**

Existing paragraphs have been changed from those in EU-OPS. Current paragraph h. should be titled iii. As per Appendix 1 to OPS 1.980. Paragraph 8 in Appendix 1 to OPS 1.980 has been excluded.

**Justification:**

Editorial and omission from the existing OPS text resulting in different definition.

**Proposed Text (if applicable):** Change paragraph h. to be iii. Add para h) as per paragraph 8 in Appendix 1 to OPS 1.980. Indent para i, ii, iii.

comment 3456

comment by: UK CAA

**Paragraph No:**

AMC1 OR.OPS.155.FC para 2.1 (a) and (b)

**Comment:**

Although these two subparagraphs are a direct copy from JAR-OPS AMC OPS 3.980 para 2 (c) & (d), they create a safety anomaly (as they currently do for those operators who fly in accordance with JAR-OPS 3). A pilot who flies a Robinson R22 (two seater piston VFR only helicopter) and who also flies an EH101 (a 25 seat multi-engine (3 turbine engines), multi-pilot IFR helicopter) may apply the content of the reference to permit him to complete one operator proficiency check (OPC) every 6 months and this would validate the OPC for the other type. This would meet the rule but at the same time be illogical.

The introduction of EASA Part OPS is the opportunity to remedy this anomaly.

A simple addition to the AMC could solve this problem by restricting the alleviation to types and variants within a particular group. A suggested group is attached to this comment below for use and inclusion in the AMC if considered necessary.

**Justification:**

Removal of a safety anomaly.

**Proposed Text (if applicable):** Insert the following text in para 2.1 (c);  
 "...met by a 6 monthly check on any one type or variant operated *from within a particular group from the table below.*"

Insert the table below paragraph 2.1 (c)

Group	Types included
1 All Pistons	R22, R44, H269, Bell 47, Enstrom, Brantley, Hiller
2 Single Engine Turbines	All types
3 MET < 3175 kgs MTOW SPH	All types
4 MET >3175 kgs & <5700 kgs SPH group	S76, EC155, SA365, Bell 212/412 etc

5	MET >5700 kgs MPH Group	Individual types
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comment 3488 comment by: *Trans Héli (pf)*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment 3489 comment by: *Trans Héli (pf)*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment 3753 comment by: *Christian Hölzle*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment 3810 comment by: *Swiss Helicopter Group*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment 3889 comment by: *Eliticino SA*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment 3890 comment by: *Eliticino SA*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - AMC2 OR.OPS.155.FC Operation on more than one type or variant** p. 96-99

comment 378 comment by: *Reto Ruesch*

AMC OR Ops 155 FC  
Ops of more than one type or variant, helicopter (3).  
Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment 516 comment by: *Stefan Huber*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment 538 comment by: *Air Zermatt*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment 539 comment by: *Air Zermatt*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment 797 comment by: *Heli Gotthard AG Erstfeld*

AMC OR Ops 155 FC  
Ops of more than 1 type, 2.1 e, max 3 types  
2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

AMC OR Ops 155 FC  
Ops of more than one type or variant, helicopter (3).  
Provision shall be made for pilot's flying both aeroplane and helicopter. No

limitation of number of aircraft type provided the operations with different types are accepted by the National Authority

comment

818

comment by: SHA (AS)

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

1000

comment by: Heliswiss NV

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

1001

comment by: Heliswiss NV

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

1062

comment by: AEA

**Relevant Text:**

2 ODR Tables

2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference NPA 2009-02c 30 Jan 2009

Page 97 of 136 aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant and also the basis for the associated differences/familiarisation training for the flight crew

**Comment:**

As appendix 1 of OPS 1.980 was transferred to AMC 1.OR.OPS.155.FC, should this AMC 2 be transferred into GM into the EU rule structure, as it provides a methodology.

It should also be clarified that the methodology objective is to allow operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal:**

Modify § 2.1 as follows:

*2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the*

*justification for operating more than one type or variant, specially when **not within a single licence endorsement**, and also the basis for the associated differences/familiarisation training for the flight crew.*

comment

1367

comment by: Walter Mayer, Heliswiss

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

1368

comment by: Walter Mayer, Heliswiss

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

1671

comment by: TAP Portugal

**Relevant Text:**

2 ODR Tables

2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference NPA 2009-02c 30 Jan 2009

Page 97 of 136 aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant and also the basis for the associated differences/familiarisation training for the flight crew

**Comment:**

As appendix 1 of OPS 1.980 was transferred to AMC 1.OR.OPS.155.FC, should this AMC 2 be transferred into GM into the EU rule structure, as it provides a methodology.

It should also be clarified that the methodology objective is to allow operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal:**

Modify § 2.1 as follows:

*2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane*

from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant, specially when **not within a single licence endorsement**, and also the basis for the associated differences/familiarisation training for the flight crew.

comment

1798

comment by: Airbus

AMC2 OR.OPS.155.FC Operation on more than one type or variant  
METHODOLOGY - USE OF OPERATOR DIFFERENCE REQUIREMENT (ODR)  
TABLES - AEROPLANES

**Question/comment :** As former Appendix to EU OPS 1.980 is now in AMC, why should this material (formerly in TGL 44) remain an AMC? Should it not be considered as a Guidance Material, and regrouped together with GM OR.OPS.155.FC? In fact, to be able to apply the methodology, one needs first to understand the terminology, the definitions of levels and the philosophy.

It should also be clarified that the objective of the methodology is to allow operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal:** Combine this AMC and GM OR.OPS.155.FC into one single GM, with amendment of § 2.1 to read:

2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant, **specially when not within a single licence endorsement**, and also the basis for the associated differences/familiarisation training for the flight crew.

comment

2176

comment by: AUSTRIAN Airlines

**Relevant Text:**

2 ODR Tables

2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference NPA 2009-02c 30 Jan 2009

Page 97 of 136 aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference

Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant and also the basis for the associated differences/familiarisation training for the flight crew

**Comment:**

As appendix 1 of OPS 1.980 was transferred to AMC 1.OR.OPS.155.FC, should this AMC 2 be transferred into GM into the EU rule structure, as it provides a methodology.

It should also be clarified that the methodology objective is to allow operation of more than one type or variant for which a separate licence endorsement is

required (not within a single licence endorsement)

**Proposal:**

Modify § 2.1 as follows:

*2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant, specially when **not within a single licence endorsement**, and also the basis for the associated differences/familiarisation training for the flight crew.*

comment

2227

comment by: *Christophe Baumann*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

comment

2228

comment by: *Christophe Baumann*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

2251

comment by: *HDM Luftrettung gGmbH*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

2472

comment by: *KLM*

**Relevant Text:**

2 ODR Tables

2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference NPA 2009-02c 30 Jan 2009

Page 97 of 136 aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant and also the basis for the associated differences/familiarisation training for the flight crew

**Comment:**

As appendix 1 of OPS 1.980 was transferred to AMC 1.OR.OPS.155.FC, should this AMC 2 be transferred into GM into the EU rule structure, as it provides a methodology.

It should also be clarified that the methodology objective is to allow operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal:**

Modify § 2.1 as follows:

*2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant, specially when **not within a single licence endorsement**, and also the basis for the associated differences/familiarisation training for the flight crew.*

comment

2658

comment by: Deutsche Lufthansa AG

**Relevant Text:**

2 ODR Tables

2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant and also the basis for the associated differences/familiarisation training for the flight crew.

**Comment:**

As appendix 1 of OPS 1.980 was transferred to AMC 1.OR.OPS.155.FC, should this AMC 2 be transferred into GM into the EU rule structure, as it provides a methodology.

It should also be clarified that the methodology objective is to allow operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal:**

Modify § 2.1 as follows:

*2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant, specially when **not within a single licence endorsement**, and also the basis for the associated differences/familiarisation training for the flight crew.*

comment

2726

comment by: Philipp Peterhans

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters

weighing less than 3175 kg shall be accepted by the National Authority.

comment

2727

comment by: *Philipp Peterhans*

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

2841

comment by: *Ph. Walker*

2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.

Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

comment

3021

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

2 ODR Tables

2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'differenceNPA 2009-02c 30 Jan 2009 Page 97 of 136 aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant and also the basis for the associated differences/familiarisation training for the flight crew

**Comment:**

As appendix 1 of OPS 1.980 was transferred to AMC 1.OR.OPS.155.FC, should this AMC 2 be transferred into GM into the EU rule structure, as it provides a methodology.

It should also be clarified that the methodology objective is to allow operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal:**

Modify § 2.1 as follows:

*2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the*

*justification for operating more than one type or variant ,specially when **not within a single licence endorsement**, and also the basis for the associated differences/familiarisation training for the flight crew.*

- comment 3594 comment by: *Heliswiss International*  
 2.1.e) : The types shall remain valid as long as the PIC has accomplished a minimum of 15 hours on type, a ppc has been completed and 2 hours flight time recency in the last 12 months has been completed. The level of technology, operational procedures, handling characteristics of small helicopters are such that very often operators are using different types for their operations. 3 types are not acceptable for small operators. As long as training recency is provided operations with different types of helicopters weighing less than 3175 kg shall be accepted by the National Authority.
- comment 3595 comment by: *Heliswiss International*  
 Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.
- comment 3754 comment by: *Christian Hölzle*  
 Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.
- comment 3814 comment by: *Swiss Helicopter Group*  
 Provision shall be made for pilot's flying both aeroplane and helicopter. No limitation of number of aircraft type provided the operations with different types are accepted by the National Authority.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section V - Chapter 2 - GM OR.OPS.155.FC Operation on more than one type or variant** p. 99-103

- comment 1063 comment by: *AEA*  
**Comment:**  
 GM should be slightly amended as follows to be in line with suggested amendments from § 1.2 and § 1.4 (see highlighted bold text), and to have similar wording in 2.2 and 2.3:  
 It should also be clarified that the philosophy and the credits described applies to operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)
- Proposal1:**  
 Modify § 2 as follows (highlighted):
- 2 Philosophy*
- 2.1 The concept of operating more than one type or variant (not within a single licence endorsement) depends upon the experience, knowledge and ability of the operator and the flight crew concerned.*
- 2.2 The first consideration is whether or not the two aeroplane types or variants are*

sufficiently similar to allow the safe operation of both.

2.3 The second consideration is whether or not the types or variants are sufficiently similar for the training, checking and recent experience items completed on one type or variant to replace those required on the similar type or variant. If these aeroplanes are similar in these respects, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**, then it is possible to have credit for training, checking and recent experience . Otherwise, all training, checking and recent experience requirements prescribed in this Section should be completed for each type or variant within the relevant period without any credit.

**Proposal2:** Modify § 4 as follows:

4 Training, checking and crew management. Alternating training and proficiency checking may be permitted if the submission to operate more than one type or variant **(not within a single licence endorsement)** shows clearly that there are sufficient similarities in technology, operational procedures and handling characteristics, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**

comment

1672

comment by: TAP Portugal

**Comment:**

GM should be slightly amended as follows to be in line with suggested amendments from § 1.2 and § 1.4 (see highlighted bold text), and to have similar wording in 2.2 and 2.3:

It should also be clarified that the philosophy and the credits described applies to operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal1:**

Modify § 2 as follows (highlighted):

*2 Philosophy*

*2.1 The concept of operating more than one type or variant (not within a single licence endorsement) depends upon the experience, knowledge and ability of the operator and the flight crew concerned.*

*2.2 The first consideration is whether or not the two aeroplane types or variants are sufficiently similar to allow the safe operation of both.*

*2.3 The second consideration is whether or not the types or variants are sufficiently similar for the training, checking and recent experience items completed on one type or variant to replace those required on the similar type or variant. If these aeroplanes are similar in these respects, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**, then it is possible to have credit for training, checking and recent experience . Otherwise, all training, checking and recent experience requirements prescribed in this Section should be completed for each type or variant within the relevant period without any credit.*

**Proposal2:** Modify § 4 as follows:

4 Training, checking and crew management. Alternating training and proficiency checking may be permitted if the submission to operate more than one type or variant **(not within a single licence endorsement)** shows clearly that there are sufficient similarities in technology, operational procedures and handling characteristics, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**

comment

1798

comment by: Airbus

AMC2 OR.OPS.155.FC Operation on more than one type or variant  
 METHODOLOGY - USE OF OPERATOR DIFFERENCE REQUIREMENT (ODR)  
 TABLES - AEROPLANES

**Question/comment :** As former Appendix to EU OPS 1.980 is now in AMC, why should this material (formerly in TGL 44) remain an AMC? Should it not be considered as a Guidance Material, and regrouped together with GM OR.OPS.155.FC? In fact, to be able to apply the methodology, one needs first to understand the terminology, the definitions of levels and the philosophy.

It should also be clarified that the objective of the methodology is to allow operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal:** Combine this AMC and GM OR.OPS.155.FC into one single GM, with amendment of § 2.1 to read:

2.1 Before requiring flight crew members to operate more than one type or variant, operators should first nominate one aeroplane as the Base Aeroplane from which to show differences with the second aeroplane type or variant, the 'difference aeroplane', in terms of technology (systems), procedures, pilot handling and aeroplane management. These differences, known as Operator Difference Requirements (ODR), preferably presented in tabular format, constitute part of the justification for operating more than one type or variant, **specially when not within a single licence endorsement**, and also the basis for the associated differences/familiarisation training for the flight crew.

comment

1799

comment by: Airbus

**GM OR.OPS.155.FC Operation on more than one type or variant**

2.1 The concept of operating more than one type or variant depends upon the experience, knowledge and ability of the operator and the flight crew concerned.

2.2 The first consideration is whether or not the two aeroplane types or variants are sufficiently similar to allow the safe operation of both

2.3 The second consideration is whether or not the types or variants are sufficiently similar for the training, checking and recent experience items completed on one type or variant to replace those required on the similar type or variant. If these aeroplanes are similar in these respects, then it is possible to have credit for training, checking and recent experience. Otherwise, all training, checking and recent experience requirements prescribed in this Section should be completed for each type or variant within the relevant period without any credit.

and

4 Training, checking and crew management. Alternating training and proficiency checking may be permitted if the submission to operate more than one type or variant shows clearly that there are sufficient similarities in technology, operational procedures and handling characteristics.

**Comment :** The GM should be slightly amended to be in line with our comments CRT N° 1797 & 1798, and to have similar wording in 2.2 and 2.3.

**Proposal:**

1) Amend GM 2.1,2.2 & 2.3 to read:

2.1 The concept of operating more than one type or variant (not within a single licence endorsement) depends upon the experience, knowledge and ability of the operator and the flight crew concerned.

2.2 The first consideration is whether or not the two aeroplane types or variants are sufficiently similar to allow the safe operation of both.

2.3 The second consideration is whether or not the types or variants are sufficiently similar for the training, checking and recent experience items completed on one type or variant to replace those required on the similar type or variant. If these aeroplanes are similar in these respects, as specified in the Operational Suitability Certificate issued in accordance with Part 21, then it is possible to have credit for training, checking and recent experience. Otherwise, all training, checking and recent experience requirements prescribed in this Section should be completed for each type or variant within the relevant period without any credit.

2) Amend GM § 4 as follows:

4 Training, checking and crew management. Alternating training and proficiency checking may be permitted if the submission to operate more than one type or variant (not within a single license endorsement) shows clearly that there are sufficient similarities in technology, operational procedures and handling characteristics, as specified in the Operational Suitability Certificate issued in accordance with Part 21.

comment 2177

comment by: AUSTRIAN Airlines

**Comment:**

GM should be slightly amended as follows to be in line with suggested amendments from § 1.2 and § 1.4 (see highlighted bold text), and to have similar wording in 2.2 and 2.3:

It should also be clarified that the philosophy and the credits described applies to operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal1:**

Modify § 2 as follows (highlighted):

*2 Philosophy*

*2.1 The concept of operating more than one type or variant (not within a single licence endorsement) depends upon the experience, knowledge and ability of the operator and the flight crew concerned.*

*2.2 The first consideration is whether or not the two aeroplane types or variants are sufficiently similar to allow the safe operation of both.*

*2.3 The second consideration is whether or not the types or variants are sufficiently similar for the training, checking and recent experience items completed on one type or variant to replace those required on the similar type or variant. If these aeroplanes are similar in these respects, **as specified in the Operational Suitability Certificate issued in accordance with Part***

21, then it is possible to have credit for training, checking and recent experience . Otherwise, all training, checking and recent experience requirements prescribed in this Section should be completed for each type or variant within the relevant period without any credit.

**Proposal2:** Modify § 4 as follows:

4 Training, checking and crew management. Alternating training and proficiency checking may be permitted if the submission to operate more than one type or variant **(not within a single licence endorsement)** shows clearly that there are sufficient similarities in technology, operational procedures and handling characteristics, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**

comment

2473

comment by: KLM

**Comment:**

GM should be slightly amended as follows to be in line with suggested amendments from § 1.2 and § 1.4 (see highlighted bold text), and to have similar wording in 2.2 and 2.3:

It should also be clarified that the philosophy and the credits described applies to operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal1:**

Modify § 2 as follows (highlighted):

2 Philosophy

2.1 The concept of operating more than one type or variant (not within a single licence endorsement) depends upon the experience, knowledge and ability of the operator and the flight crew concerned.

2.2 The first consideration is whether or not the two aeroplane types or variants are sufficiently similar to allow the safe operation of both.

2.3 The second consideration is whether or not the types or variants are sufficiently similar for the training, checking and recent experience items completed on one type or variant to replace those required on the similar type or variant. If these aeroplanes are similar in these respects, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**, then it is possible to have credit for training, checking and recent experience . Otherwise, all training, checking and recent experience requirements prescribed in this Section should be completed for each type or variant within the relevant period without any credit.

**Proposal2:** Modify § 4 as follows:

4 Training, checking and crew management. Alternating training and proficiency checking may be permitted if the submission to operate more than one type or variant **(not within a single licence endorsement)** shows clearly that there are sufficient similarities in technology, operational procedures and handling characteristics, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**

comment

2659

comment by: Deutsche Lufthansa AG

**Comment:**

GM should be slightly amended as follows to be in line with suggested amendments from § 1.2 and § 1.4 (see highlighted bold text), and to have similar wording in 2.2 and 2.3:

It should also be clarified that the philosophy and the credits described applies to operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal1:**

Modify § 2 as follows (highlighted):

*2 Philosophy*

*2.1 The concept of operating more than one type or variant **(not within a single licence endorsement)** depends upon the experience, knowledge and ability of the operator and the flight crew concerned.*

*2.2 The first consideration is whether or not the ~~two aeroplane~~ types or variants are sufficiently similar to allow the safe operation of both.*

*2.3 The second consideration is whether or not the types or variants are sufficiently similar for the training, checking and recent experience items completed on one type or variant to replace those required on the similar type or variant. If these aeroplanes are similar in these respects, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**, then it is possible to have credit for training, checking and recent experience . Otherwise, all training, checking and recent experience requirements prescribed in this Section should be completed for each type or variant within the relevant period without any credit.*

**Proposal2:** Modify § 4 as follows:

*4 Training, checking and crew management. Alternating training and proficiency checking may be permitted if the submission to operate more than one type or variant **(not within a single licence endorsement)** shows clearly that there are sufficient similarities in technology, operational procedures and handling characteristics, **as specified in the Operational Suitability Certificate issued in accordance with Part 21***

comment

3022

comment by: Swiss International Airlines / Bruno Pfister

**Comment:**

GM should be slightly amended as follows to be in line with suggested amendments from § 1.2 and § 1.4 (see highlighted bold text), and to have similar wording in 2.2 and 2.3:

It should also be clarified that the philosophy and the credits described applies to operation of more than one type or variant for which a separate licence endorsement is required (not within a single licence endorsement)

**Proposal1:**

Modify § 2 as follows (highlighted):

*2 Philosophy*

*2.1 The concept of operating more than one type or variant (not within a single licence endorsement) depends upon the experience, knowledge and ability of the operator and the flight crew concerned.*

*2.2 The first consideration is whether or not the two aeroplane types or variants are sufficiently similar to allow the safe operation of both.*

*2.3 The second consideration is whether or not the types or variants are sufficiently similar for the training, checking and recent experience items completed on one type or variant to replace those required on the similar type or variant. If these aeroplanes are similar in these respects, **as specified in the Operational Suitability Certificate issued in accordance with Part 21**, then it is possible to have credit for training, checking and recent experience . Otherwise, all training, checking and recent experience requirements prescribed in this Section should be completed for each type or variant within the relevant period without any credit.*

**Proposal2:** Modify § 4 as follows:

*4 Training, checking and crew management. Alternating training and proficiency checking may be permitted if the submission to operate more than one type or variant **(not within a single licence endorsement)** shows clearly that there are sufficient similarities in technology, operational procedures and handling characteristics, **as specified in the Operational***

Suitability Certificate issued in accordance with Part 21**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1**

p. 103

comment 1304

comment by: ETF

New: **AMC OR.OPS.CC 100****(b) For identification the CC should wear the operator's uniform.**

Reason: It is vital that cabin crew can be easily identified by passengers in an emergency and not confused with fellow passengers.

This is reflected in OR.OPS.210.CC but should not only apply to CAT operations.

comment 1983

comment by: kapers Cabin Crew Union

New: **AMC OR.OPS.CC 100****(b) For identification the CC should wear the operator's uniform.**

Reason: It is vital that cabin crew can be easily identified by passengers in an emergency and not confused with fellow passengers.

This is reflected in OR.OPS.210.CC but should not only apply to CAT operations.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1 - GM OR.OPS.110.CC Conditions for assignment of cabin crew to duties**

p. 103

comment 850

comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.110.CC: Upgrade to OR.OPS.110.CC and change as follows:

SELFEMPLOYED, FREELANCE OR PARTTIME CABIN CREW

Before assigning to duties a cabin crew member who is selfemployed and/or working on a freelance or parttime basis, the operator ~~should~~ **shall** give particular attention to all applicable requirements of this Section with special regard to the number of aircraft types and variants operated and to flight and duty time limitations and rest requirements.

Justification:

This should be IR material; the operator has to take into account what a cabin crew member is doing with other operators. Otherwise all requirements in this section are invalidated.

comment 947

comment by: AEA

**Relevant Text:** title of the paragraph

GM OR.OPS.110.CC Conditions for assignment of cabin crew to duties

**Comment:** 'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:** change title to  
GM OR.OPS.110.CC Conditions for assignment of cabin crew to **safety** duties

comment

1383

comment by: *Austro Control GmbH*

Add at the end of this requirement:

"... including those when his/her services are engaged by another operator".

Justification:

regulation implies that the limitation only applies within one operator; but for safety reasons **all limitations** should be considered (e.g. duty and rest times).

comment

1673

comment by: *TAP Portugal*

**Relevant Text:** title of the paragraph

GM OR.OPS.110.CC Conditions for assignment of cabin crew to duties

**Comment:** 'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:** change title to

GM OR.OPS.110.CC Conditions for assignment of cabin crew to **safety** duties

comment

1720 

comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

### **OR.OPS.120.CC Conditions for assignment to duties**

#### **(a)**

**Comment:**

This pre-supposes that a Cabin Crew Attestation of Part CC[Cabin Crew Licence] replaces **EU-OPS 1.1035 2.** " keep a copy of the attestation of safety training."

The requirement as laid down under Subpart CCA **CC.CCA.100 Cabin crew attestation** is vigorously rejected as an over bureaucratic requirement which does not serve to add any greater element of safety to that provided by the current EU-OPS 1.1035 noted above.

**Proposal:**

**Delete:** The requirement for a CC Attestation as under **CC.CCA.100 Cabin crew attestation** in it's entirety.

#### **(b) The operator shall also ensure that:**

(1) all and only the cabin crew members assigned to duties on a flight wear the operator's cabin crew uniform;

**Comment** – Does this preclude crew from positioning as passenger on our or other aircraft in uniform? Clarification is required.

**Proposal:**

The wording contained within OPS 1.989 is adopted.

Identification

(a) An operator shall ensure that all cabin crew members wear the operator's cabin crew uniform and are clearly identifiable to the passengers as a cabin crew member.

- comment 1840 comment by: Jill Pelan
- New: **AMC OR.OPS.CC 100**  
**(b) For identification the CC should wear the operator's uniform.**
- Reason: It is vital that cabin crew can be easily identified by passengers in an emergency and not confused with fellow passengers.  
 This is reflected in OR.OPS.210.CC but should not only apply to CAT operations.
- 
- comment 1970 comment by: Walter Gessky
1. **GM OR.OP S.110.CC Conditions for assignment of cabin crew to duties**  
 SELFEMPLOYED, FREELANCE OR PARTTIME CABIN CREW  
 Add the following:  
 Before assigning to duties a cabin crew member who is self-employed and/or working on a freelance or part-time basis, the operator should give particular attention to all applicable requirements of this Section with special regard to **the fact that the required training is completed**, ~~the number of aircraft types and variants operated~~ compliance with other parts of the regulation is shown and ~~to~~ **the flight and duty time limitations and rest requirements are complied with.**
- Comment:  
 The operator shall verify that compliance with the rule is shown. The attestation is a stand alone document and the operator has to verify that the required type and conversion training and familiarization is completed and all other requirements are complied with.
- 
- comment 2178 comment by: AUSTRIAN Airlines
- Relevant Text:** title of the paragraph  
 GM OR.OPS.110.CC Conditions for assignment of cabin crew to duties  
**Comment:** 'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.  
**Proposal:** change title to  
 GM OR.OPS.110.CC Conditions for assignment of cabin crew to **safety** duties
- 
- comment 2474 comment by: KLM
- Relevant Text:** title of the paragraph  
 GM OR.OPS.110.CC Conditions for assignment of cabin crew to duties  
**Comment:** 'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.  
**Proposal:** change title to  
 GM OR.OPS.110.CC Conditions for assignment of cabin crew to **safety** duties
- 
- comment 2660 comment by: Deutsche Lufthansa AG
- Relevant Text:** title of the paragraph  
 GM OR.OPS.110.CC Conditions for assignment of cabin crew to duties  
**Comment:** 'assignment to duties' should be limited to 'assignment to **safety**

duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:** change title to

GM OR.OPS.110.CC Conditions for assignment of cabin crew to **safety** duties

comment

3023

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:** title of the paragraph

GM OR.OPS.110.CC Conditions for assignment of cabin crew to duties

**Comment:** 'assignment to duties' should be limited to 'assignment to **safety** duties' taking into account the fact that EASA should only regulate safety but not other elements related to cabin crew.

**Proposal:** change title to

GM OR.OPS.110.CC Conditions for assignment of cabin crew to **safety** duties

comment

3322

comment by: *cfdt france*

New: **AMC OR.OPS.CC 100**

**(b) For identification the CC should wear the operator's uniform.**

Reason: It is vital that cabin crew can be easily identified by passengers in an emergency and not confused with fellow passengers.

This is reflected in OR.OPS.210.CC but should not only apply to CAT operations.

comment

3657

comment by: *AIR FRANCE*

Relevant Text: title of the paragraph

GM OR.OPS.110.CC Conditions for assignment of cabin crew to duties

Comment: 'assignment to duties' should be limited to 'assignment to safety duties' taking into account the fact that EASA only regulate safety.

Proposal: change title to GM OR.OPS.110.CC Conditions for assignment of cabin crew to safety duties

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1 - AMC1 OR.OPS.115.CC Training courses and associated checking**

p. 103

comment

1971

comment by: *Walter Gessky*

**1. AMC1 OR.OPS.115.CC Training courses and associated checking**  
INITIAL TRAINING COURSE

Add the following:

1. For noncommercial operations, cabin crew members holding a valid cabin crew attestation in accordance with PartCC and proficient on the aircraft type to be operated need not be provided by the operator with all the training required in PartCC **but s hould co mplete a t le ast a ty pe t raining and familiarization** and be trained in accordance with the applicable requirements of PartOR.

**Justification:**

In addition to the initial safety training attested by the attestation only, at least a type training and familiarization training is required.

Add a new **3.**

**When in addition to the initial safety training, conversion, differences**

**and familiarization training is provided by an independent training organization this training organization has to show that all operator specific data are available (aircraft or simulator in line with the configuration of the operator where the cabin crew member is intended to be assigned for duties).**

**Justification:**

For conversion and differences training it is important that the training organization has all operator related data available, like OM including cabin emergency procedures etc. and has a cabin mockup available in the aircraft configuration.

comment

3658

comment by: AIR FRANCE

**Relevant Text:**

CREW RESOURCE MANAGEMENT- CRM INSTRUCTORS AND TRAINING PROGRAMMES

## TABLE 1

**Comment:**

Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training "Note: In Column (d), if relevant aeroplane type specific case based studies are not available, then case based studies relevant to the scale and scope of the operation shall be considered" has been deleted.

**Proposal:**

Restore "Note" from Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1 - AMC2 OR.OPS.115.CC Training courses and associated checking**

p. 103-105

comment

1052

comment by: AEA

**Relevant Text:**

CREW RESOURCE MANAGEMENT- CRM INSTRUCTORS AND TRAINING PROGRAMMES

## TABLE 1

**Comment:**

Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training "Note: In Column (d), if relevant aeroplane type specific case based studies are not available, then case based studies relevant to the scale and scope of the operation shall be considered" has been deleted.

**Proposal:**

Restore "Note" from Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training.

comment

1461

comment by: Pietro Barbagallo ENAC

**Comment:** 1.3 e. should be changed as follows: be supervised to the satisfaction of a suitably qualified CRM instructor when first conducting any CRM training course

**Justification:** To be supervised just on the first CRM training course is not sufficient as the content and way of delivering may change considerably.

- comment 1674 comment by: TAP Portugal
- Relevant Text:**  
CREW RESSOURCE MANAGEMENT- CRM INSTRUCTORS AND TRAINING PROGRAMMES TABLE 1
- Comment:**  
Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training "Note: In Column (d), if relevant aeroplane type specific case based studies are not available, then case based studies relevant to the scale and scope of the operation shall be considered" has been deleted.
- Proposal:**  
Restore "Note" from Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training.
- comment 2179 comment by: AUSTRIAN Airlines
- Relevant Text:**  
CREW RESSOURCE MANAGEMENT- CRM INSTRUCTORS AND TRAINING PROGRAMMES TABLE 1
- Comment:**  
Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training "Note: In Column (d), if relevant aeroplane type specific case based studies are not available, then case based studies relevant to the scale and scope of the operation shall be considered" has been deleted.
- Proposal:**  
Restore "Note" from Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training.
- comment 2476 comment by: KLM
- Relevant Text:**  
CREW RESSOURCE MANAGEMENT- CRM INSTRUCTORS AND TRAINING PROGRAMMES TABLE 1
- Comment:**  
Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training "Note: In Column (d), if relevant aeroplane type specific case based studies are not available, then case based studies relevant to the scale and scope of the operation shall be considered" has been deleted.
- Proposal:**  
Restore "Note" from Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training.
- comment 2661 comment by: Deutsche Lufthansa AG
- Relevant Text:**  
CREW RESSOURCE MANAGEMENT- CRM INSTRUCTORS AND TRAINING PROGRAMMES TABLE 1
- Comment:**  
Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training "Note: In Column (d), if relevant aeroplane type specific case based studies are not available, then case based studies relevant to the scale and scope of the operation shall be considered" has been deleted.
- Proposal:**

Restore "Note" from Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training.

comment 2860 comment by: *Civil Aviation Authority of Norway*

Comment to 1.3 a;  
A cabin crew CRM instructor should not be required to have previous experience as an operating cabin crew member, as this would disqualify the use of CRM instructors with other relevant aviation experience.

comment 3024 comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**  
CREW RESSOURCE MANAGEMENT- CRM INSTRUCTORS AND TRAINING PROGRAMMES  
TABLE 1  
**Comment:**  
Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training "Note: In Column (d), if relevant aeroplane type specific case based studies are not available, then case based studies relevant to the scale and scope of the operation shall be considered" has been deleted.  
**Proposal:**  
Restore "Note" from Appendix 2 to EU-OPS 1.1005/1.1010/1.1015 Table 1 CRM Training.

comment 3900 comment by: *Ryanair*

Comment ref page 104 para 2.1

This requirement to have cabin and flight crew CRM instructors observe each other and comment on each other's style is completely impractical and must be removed. In large organisations where CRM training takes place in many diverse locations it is simply not possible to arrange this without significant cost and inefficiencies. Large organisations have hundreds of CRM instructors.

It is the task of training managers to oversee the activities of instructors and to unify their style and method. Once provision for **THIS** is in place the function is catered for.

Proposal

2.1 There should be an effective liasion between flight crew and cabin/technical crew training departments. Provision should be made for training managers to observe and comment on CRM instrutors training. Consideration.....

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1 - GM OR.OPS.115.CC Training courses and associated checking**

p. 106

comment 1462 comment by: *Pietro Barbagallo ENAC*

Comment: 1 Introduction to CRM should be changed into 1 General.  
Justification: To use the same definition as for Flight Crew (page 80) an to avoid misunderstanding with Introductory CRM contained in Part CC

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI -  
Chapter 1 - AMC OR.OPS.125.CC Operator's aircraft type training and  
differences training**

p. 107-108

comment

434

comment by: CAA-NL

Comment regarding:

3 Normal and emergency procedures *until*

9.3 The operator's CRM training and aircraft type CRM training should be conducted by at ...

Comment CAA-NL:

Numbering not correct

comment

550

comment by: Royal Aeronautical Society

**Commentor:** Royal Aeronautical Society Human Factors Cabin Crew Standing Group

**Page No:** 107

**Paragraph No:** AMC OR.OPS.125.CC 3.3 – Operator's aircraft type training

**Comment:** Text requires training in procedures for a sudden decompression only.

**Justification:** The recent Helios accident was a non-pressurisation and not a sudden decompression. Cabin crew currently have no training in the signs and symptoms of such an event.

**Proposed Text (if applic able):** Add onto text – *'sudden decompression, non-pressurisation, including the donning.....*

**Author's Response:**

comment

551

comment by: Royal Aeronautical Society

**Commentor:** Royal Aeronautical Society Human Factors Cabin Crew Standing Group

**Page No:** 107

**Paragraph No:** AMC OR.OPS.125.CC 1.3 – Operator's aircraft type training

**Comment:** Text requires training to include flight deck security door – components/use but does not require practical training.

**Justification:** Recent accidents such as Helios have shown possible lack of familiarity with operation of the flight deck security door particularly in emergency situations. Current training could be achieved theoretically and could result in a cabin crew member being unfamiliar with the door operation.

**Proposed Text (if applicable):** 1.3 - *practical operation of flight deck security door; in both normal and emergency modes.*

**Author's Response:**

comment

760

comment by: claire.amos

As most UK operators refer to Conversion training as stated in EU-OPS it should also be mentioned here.

Drop down oxygen has been removed from this list but due to the difference in

number of masks and duration of oxygen across different aircraft it is felt this should be reinstated.

comment

1053

comment by: AEA

**Relevant Text****1** *Description of the cabin configuration*

The description should cover all elements specific to the operator's cabin configuration and any differences with those previously covered in accordance with CC.TRA.125, including:

**1.1 cabin crew seats (including direct view) location/restraint systems/control panels;**

**1.2 passenger seat presentation;**

**1.3 flight deck security door components/ use;**

**1.4 designated stowage areas;**

**1.5 lavatories location/lavatory doors and lavatory systems/emergency equipments in the lavatory/calls and signs;**

**1.6 galley location/ appliances/water and waste system, including shut off, sinks, drains/stowage/control panels/calls; and where applicable:**

**1.7 crew rest areas location/ systems/controls/safety equipment;**

**1.8 class dividers/curtains/partitions;**

**1.9 lift location/use/controls;**

**1.10 stowage for the containment of waste; and**

**1.11 passenger hand rail system or alternative means.**

**Comment:**

1.1 to 1.11 not in EU-OPS. To many systems and details. This must be left to operator type specifics.

**Proposal:**

Delete "1.1 to 1.11"

comment

1054

comment by: AEA

**Relevant Text****3** *Passenger briefing and safety demonstrations*

Training should be given in the preparation of passengers for normal and emergency situations.

**3** *Normal and emergency procedures*

Each cabin crew member should be trained to the operator's normal and emergency procedures as applicable with particular emphasis to the following:

3.1 passenger briefing, safety demonstration and **cabin surveillance**;

3.2 severe air turbulence;

3.3 sudden decompression, including the donning of portable oxygen equipment by each cabin crew member; and

3.4 other inflight emergencies.

**Comment:**

- 3.1 "cabin surveillance" was not in EU-OPS. It's not specified.
- Two chapters 3, numbering incorrect

**Proposal:**

Delete "cabin surveillance"

Correct numbering

comment

1055

comment by: AEA

**Relevant Text**4 **Passenger handling** and crowd control

Training should be provided on the practical aspects of passenger handling and crowd control in various emergency situations as applicable to the operator's aircraft configuration, and should cover the following:

**Comment:**

4 "Passenger handling" was not in EU-OPS. It's not specified.

**Proposal:**

Delete "Passenger handling"

comment

1428

comment by: UK CAA

**Page No:**107**Paragraph No:** AMC OR.OPS.125.CC – 2.

**Comment:** Drop out oxygen, slide rafts and liferafts are not included, but should be.

**Justification:** These items should be included as they can be operator-specific requirements dependant on type of operation.

**Proposed Text (if applicable):**

2.2 first aid and drop out oxygen, including supplementary systems;  
2.7 sliderafts, liferafts, survival kits and their contents;

comment

1429

comment by: UK CAA

**Page No:** 107-8**Paragraph No:**

AMC OR.OPS.125.CC – 5.2

**Comment:**

Practical fire and smoke training requirement has been reworded to say that 'each cabin crew member should be trained in extinguishing an actual fire'.... 'and in the donning and use of PBE'.....

**Justification:**

This change from previous terminology would allow various interpretations by operators and could result in the training being theoretical with no practical training being conducted. This would result in different levels of training being conducted dependant on interpretation by the competent authority and would lower safety standards.

**Proposed Text (if applicable):**

5.2 Each cabin crew member actually extinguishing a fire characteristic of an aircraft interior fire, except that, in the case of Halon extinguishers, an alternative extinguishing agent may be used and donning and use of protective breathing equipment in an enclosed smoke filled environment.

comment

1675

comment by: TAP Portugal

**Relevant Text****1** *Description of the cabin configuration*

The description should cover all elements specific to the operator's cabin configuration and any differences with those previously covered in accordance with CC.TRA.125, including:

**1.1 cabin crew seats (including direct view) location/restraint systems/control panels;**

**1.2 passenger seats presentation;**

**1.3 flight deck security door components/ use;**

**1.4 designated stowage areas;**

**1.5 lavatories location/lavatory doors and lavatory systems/emergency equipments in the lavatory/calls and signs;**

**1.6 galley location/ appliances/water and waste system, including shut off, sinks, drains/stowage/control panels/calls; and where applicable:**

**1.7 crew rest areas location/ systems/controls/safety equipment;**

**1.8 class dividers/curtains/partitions;**

**1.9 lift location/use/controls;**

**1.10 stowage for the containment of waste; and**

**1.11 passenger hand rail system or alternative means.**

**Comment:**

1.1 to 1.11 not in EU-OPS. Too many systems and details. This must be left to operator type specifics.

**Proposal:**

Delete "1.1 to 1.11"

comment

1676

comment by: TAP Portugal

**Relevant Text****3** *Passenger briefing and safety demonstrations*

Training should be given in the preparation of passengers for normal and emergency situations.

**3** *Normal and emergency procedures*

Each cabin crew member should be trained to the operator's normal and emergency procedures as applicable with particular emphasis to the following:

3.1 passenger briefing, safety demonstration and **cabin surveillance**;

3.2 severe air turbulence;

3.3 sudden decompression, including the donning of portable oxygen equipment by each cabin crew member; and

3.4 other inflight emergencies.

**Comment:**

- 3.1 "cabin surveillance" was not in EU-OPS. It's not specified.
- Two chapters 3, numbering incorrect

**Proposal:**

Delete "cabin surveillance"

Correct numbering

comment

1677

comment by: TAP Portugal

**Relevant Text****4** *Passenger handling and crowd control*

Training should be provided on the practical aspects of passenger handling and crowd control in various emergency situations as applicable to the operator's aircraft configuration, and should cover the following:

**Comment:**

4 "Passenger handling" was not in EU-OPS. It's not specified.

**Proposal:**

Delete "Passenger handling"

comment

1724

comment by: *Thomas Cook Airlines*

## Justification:

For simplicity suggest the title be amended to include conversion.

## Proposal:

Title - Operator's aircraft type conversion training and differences training

comment

1725

comment by: *Thomas Cook Airlines*

## Justification:

Items not relevant to CC.TRA should be included in OR OPS as the subject matter is not generic and is more operator specific.

## Proposal:

This section should also include:

Drop out oxygen

Sliderrafts

Liferafts

comment

2020

comment by: *Elaine Allan Monarch*

Page No.

107

Ref No.

NPA 2009 - 2c AMC OR OPS 125 (2)

Summary of EASA Proposed Requirement:

Comment:

Justification:

For reasons to do with consistency could the title of this be amended?

Proposed Text (if applicable)

The word conversion to be added i.e. Operator's aircraft type **conversion** training

comment

2022

comment by: *Elaine Allan Monarch*

Page No.

107

Ref No.

NPA 2009 - 2c AMC OR OPS 125 (2)

Summary of EASA Proposed Requirement:

Requirement does not state drop down oxygen, sliderrafts and liferafts .

**Comment:**

These have been included in the CC.TRA section however they are specific to operator aircraft not generic

**Justification:**

Not relevant to CC.TRA should be included in OR OPS

**Proposed Text (if applicable)**

Suggest the section include drop down oxygen, sliderafts and liferafts, as these are not generic to all aircraft type.

comment

2180

comment by: AUSTRIAN Airlines

**Relevant Text****1** *Description of the cabin configuration*

The description should cover all elements specific to the operator's cabin configuration and any differences with those previously covered in accordance with CC.TRA.125, including:

- 1.1 cabin crew seats (including direct view) location/restraint systems/control panels;**
- 1.2 passenger seat presentation;**
- 1.3 flight deck security door components/ use;**
- 1.4 designated stowage areas;**
- 1.5 lavatories location/lavatory doors and lavatory systems/emergency equipments in the lavatory/calls and signs;**
- 1.6 galley location/ appliances/water and waste system, including shut off, sinks, drains/stowage/control panels/calls; and where applicable;**
- 1.7 crew rest areas location/ systems/controls/safety equipment;**
- 1.8 class dividers/curtains/partitions;**
- 1.9 lift location/use/controls;**
- 1.10 stowage for the containment of waste; and**
- 1.11 passenger hand rail system or alternative means.**

**Comment:**

1.1 to 1.11 not in EU-OPS. To many systems and details. This must be left to operator type specifics.

**Proposal:**

Delete "1.1 to 1.11"

comment

2181

comment by: AUSTRIAN Airlines

**Relevant Text****3** *Passenger briefing and safety demonstrations*

Training should be given in the preparation of passengers for normal and emergency situations.

**3** *Normal and emergency procedures*

Each cabin crew member should be trained to the operator's normal and emergency procedures as applicable with particular emphasis to the following:

- 3.1 passenger briefing, safety demonstration and **cabin surveillance**;
- 3.2 severe air turbulence;
- 3.3 sudden decompression, including the donning of portable oxygen equipment by each cabin crew member; and
- 3.4 other inflight emergencies.

**Comment:**

- 3.1 "cabin surveillance" was not in EU-OPS. It's not specified.
- Two chapters 3, numbering incorrect

**Proposal:**

Delete "cabin surveillance"  
Correct numbering

comment

2182

comment by: *AUSTRIAN Airlines***Relevant Text**

4 **Passenger handling** and crowd control

Training should be provided on the practical aspects of passenger handling and crowd control in various emergency situations as applicable to the operator's aircraft configuration, and should cover the following:

**Comment:**

4 "Passenger handling" was not in EU-OPS. It's not specified.

**Proposal:**

Delete "Passenger handling"

comment

2439

comment by: *Virgin Atlantic Airways***Relevant Text**

Operator's aircraft type training and differences training.

(2) Safety equipment

Each cabin crew member should receive realistic training on and demonstration of the location and use of all safety equipment including:

**Comments**

The requirement to include drop out oxygen, slide rafts and life rafts is not mentioned. These have been included in the CC Training section, however they are specific to the operator and are not generic.

**Proposed Text:**

Each cabin crew member should receive realistic training on and demonstration of the location and use of all safety equipment carried including:

Drop out oxygen system

Slides, and where non-supporting slides are carried the use of any associated ropes.

Slide raft, including the equipment attached to and anchored on, or carried in the raft.

comment

2450

comment by: *Virgin Atlantic Airways***Relevant Text:**

Each cabin crew member should be trained in extinguishing an actual fire characteristic of an aircraft interior fire except that, in the case of halon extinguishers, an alternative extinguishing agent may be used and in the donning and use of protective breathing equipment in an enclosed smoke filled environment.

**Comments:**

EU OPS currently states that each crewmember is given realistic and practical training in the use of all fire fighting equipment. Is there still a requirement to

actually have practical as well as theoretical training?

**Proposed Text:**

Each Cabin crew member is given practical and realistic training in the use of all fire fighting equipment including protective clothing representative of that carried. The training must include;  
Extinguishing a fire characteristic of an aircraft interior  
The actual donning and use of protective breathing equipment in an enclosed, simulated smoke filled environment.

comment

2477

comment by: KLM

**Relevant Text**

1 *Description of the cabin configuration*

The description should cover all elements specific to the operator's cabin configuration and any differences with those previously covered in accordance with CC.TRA.125, including:

- 1.1 cabin crew seats (including direct view) location/restraint systems/control panels;**
- 1.2 passenger seats presentation;**
- 1.3 flight deck security door components/ use;**
- 1.4 designated stowage areas;**
- 1.5 lavatories location/lavatory doors and lavatory systems/emergency equipments in the lavatory/calls and signs;**
- 1.6 galley location/ appliances/water and waste system, including shut off, sinks, drains/stowage/control panels/calls; and where applicable;**
- 1.7 crew rest areas location/ systems/controls/safety equipment;**
- 1.8 class dividers/curtains/partitions;**
- 1.9 lift location/use/controls;**
- 1.10 stowage for the containment of waste; and**
- 1.11 passenger hand rail system or alternative means.**

**Comment:**

1.1 to 1.11 not in EU-OPS. To many systems and details. This must be left to operator type specifics.

**Proposal:**

Delete "1.1 to 1.11"

comment

2478

comment by: KLM

**Relevant Text**

**3** *Passenger briefing and safety demonstrations*

Training should be given in the preparation of passengers for normal and emergency situations.

**3** *Normal and emergency procedures*

Each cabin crew member should be trained to the operator's normal and emergency procedures as applicable with particular emphasis to the following:

- 3.1 passenger briefing, safety demonstration and **cabin surveillance**;
- 3.2 severe air turbulence;
- 3.3 sudden decompression, including the donning of portable oxygen equipment by each cabin crew member; and
- 3.4 other inflight emergencies.

**Comment:**

- 3.1 "cabin surveillance" was not in EU-OPS. It's not specified.

- Two chapters 3, numbering incorrect

**Proposal:**

Delete "cabin surveillance"  
Correct numbering

comment

2479

comment by: KLM

**Relevant Text**

4 *Passenger handling and crowd control*

Training should be provided on the practical aspects of passenger handling and crowd control in various emergency situations as applicable to the operator's aircraft configuration, and should cover the following:

**Comment:**

4 "Passenger handling" was not in EU-OPS. It's not specified.

**Proposal:**

Delete "Passenger handling"

comment

2662

comment by: Deutsche Lufthansa AG

**Relevant Text**

1 *Description of the cabin configuration*

The description should cover all elements specific to the operator's cabin configuration and any differences with those previously covered in accordance with CC.TRA.125, including:

**1.1 cabin crew seats (including direct view) location/restraint systems/control panels;**

**1.2 passenger seat presentation;**

**1.3 flight deck security door components/ use;**

**1.4 designated stowage areas;**

**1.5 lavatories location/lavatory doors and lavatory systems/emergency equipments in the lavatory/calls and signs;**

**1.6 galley location/ appliances/water and waste system, including shut off, sinks, drains/stowage/control panels/calls; and where applicable:**

**1.7 crew rest areas location/ systems/controls/safety equipment;**

**1.8 class dividers/curtains/partitions;**

**1.9 lift location/use/controls;**

**1.10 stowage for the containment of waste; and**

**1.11 passenger hand rail system or alternative means.**

**Comment:**

1.1 to 1.11 not in EU-OPS. Too many systems and details. This must be left to operator type specifics.

**Proposal:**

Delete "1.1 to 1.11"

comment

2663

comment by: Deutsche Lufthansa AG

**Relevant Text**

**3** *Passenger briefing and safety demonstrations*

Training should be given in the preparation of passengers for normal and emergency situations.

**3** *Normal and emergency procedures*

Each cabin crew member should be trained to the operator's normal and

emergency procedures as applicable with particular emphasis to the following:  
 3.1 passenger briefing, safety demonstration and **cabin surveillance**;  
 3.2 severe air turbulence;  
 3.3 sudden decompression, including the donning of portable oxygen equipment by each cabin crew member; and  
 3.4 other inflight emergencies.

**Comment:**

- 3.1 "cabin surveillance" was not in EU-OPS. It's not specified.
- Two chapters 3, numbering incorrect

**Proposal:**

Delete "cabin surveillance"  
 Correct numbering

comment

2664

comment by: *Deutsche Lufthansa AG***Relevant Text**

4 **Passenger handling** and crowd control

Training should be provided on the practical aspects of passenger handling and crowd control in various emergency situations as applicable to the operator's aircraft configuration, and should cover the following:

**Comment:**

4 "Passenger handling" was not in EU-OPS. It's not specified.

**Proposal:**

Delete "Passenger handling"

comment

2804

comment by: *Irish Aviation Authority*

Comment:

(5.2) -

The wording of the AMC is ambiguous, such that the requirement for each cabin crewmember to personally extinguish a fire and to personally don a PBE in a smoke filled environment is unclear.

'**Trained in**' does not convey the same meaning.

Justification:

Fire and Smoke is the biggest risk in the cabin and the training given to cabin crew must prepare them adequately to deal with such situations.

Proposed text:

Each cabin crew member should be trained in:

(i) extinguishing an actual fire characteristic of an aircraft interior fire, except that in the case of halon extinguishers, an alternative extinguishing agent may be used. "***This training should include the extinguishing of an actual fire by each cabin crewmember***".

(ii) the donning and use of protective breathing equipment in an enclosed simulated smoke-filled environment. "***This training should include the donning of PBE by each cabin crewmember in a smoke filled environment***".

comment

3025

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text**

1 *Description of the cabin configuration*

The description should cover all elements specific to the operator's cabin

configuration and any differences with those previously covered in accordance with CC.TRA.125, including:

- 1.1 cabin crew seats (including direct view) location/restraint systems/control panels;**
- 1.2 passenger seats presentation;**
- 1.3 flight deck security door components/ use;**
- 1.4 designated stowage areas;**
- 1.5 lavatories location/lavatory doors and lavatory systems/emergency equipments in the lavatory/calls and signs;**
- 1.6 galley location/ appliances/water and waste system, including shut off, sinks, drains/stowage/control panels/calls; and where applicable;**
- 1.7 crew rest areas location/ systems/controls/safety equipment;**
- 1.8 class dividers/curtains/partitions;**
- 1.9 lift location/use/controls;**
- 1.10 stowage for the containment of waste; and**
- 1.11 passenger hand rail system or alternative means.**

**Comment:**

1.1 to 1.11 not in EU-OPS. Too many systems and details. This must be left to operator type specifics.

**Proposal:**

Delete "1.1 to 1.11"

comment

3026

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text**

**3 Passenger briefing and safety demonstrations**

Training should be given in the preparation of passengers for normal and emergency situations.

**3 Normal and emergency procedures**

Each cabin crew member should be trained to the operator's normal and emergency procedures as applicable with particular emphasis to the following:

- 3.1 passenger briefing, safety demonstration and **cabin surveillance**;
- 3.2 severe air turbulence;
- 3.3 sudden decompression, including the donning of portable oxygen equipment by each cabin crew member; and
- 3.4 other inflight emergencies.

**Comment:**

- 3.1 "cabin surveillance" was not in EU-OPS. It's not specified.
- Two chapters 3, numbering incorrect

**Proposal:**

Delete "cabin surveillance"

Correct numbering

comment

3027

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text**

4 **Passenger handling** and crowd control

Training should be provided on the practical aspects of passenger handling and crowd control in various emergency situations as applicable to the operator's aircraft configuration, and should cover the following:

**Comment:**

4 "Passenger handling" was not in EU-OPS. It's not specified.

**Proposal:**

Delete "Passenger handling"

comment 3659

comment by: AIR FRANCE

## Relevant Text

4 Passenger handling and crowd control

Training should be provided on the practical aspects of passenger handling and crowd control in various emergency situations as applicable to the operator's aircraft configuration, and should cover the following:

## Comment:

4 "Passenger handling" was not in EU-OPS. It's not specified.

## Proposal:

Delete "Passenger handling"

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1 - GM OR.OPS.125.CC Operator's aircraft type training and differences training**

p. 108

comment 1726

comment by: Thomas Cook Airlines

## Justification:

Wording appears to remove the requirement to complete practical training

## Proposal:

Each Cabin Crew member being given realistic and practical training in the use of all fire fighting equipment, including protective clothing, representative of that carried in the aircraft.

This training must include:

(a) each cabin crew member extinguishing an actual fire characteristic of an aircraft interior fire except that, in the case of Halon extinguishers, an alternative extinguishing agent may be used.

(b) the donning of PBE and its use by each cabin crew member in an enclosed simulated smoke filled environment.

comment 2023

comment by: Elaine Allan Monarch

Page No.

108

Ref No.

NPA 2009 - 2c AMC OR OPS 125 (5)

**Summary of EASA Proposed Requirement:**

Each Cabin Crew member should be trained in extinguishing an actual fire characteristic of an aircraft interior fire.

**Comment:**

This does not state practical training

**Justification:**

The new wording appears to remove the requirement to complete practical training

**Proposed Text (if applicable)**

Each Cabin Crewmember being given realistic and practical training in the use of all fire fighting equipment, including protective clothing, representative of that carried in the aircraft. This training must include: (a) each cabin crew member extinguishing an actual fire characteristic of an aircraft interior fire except that, in the case of Halon extinguishers, an alternative extinguishing agent may be used. (ii) the donning of PBE and its use by each cabin crew member in an enclosed simulated smoke filled environment.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI -  
Chapter 1 - AMC OR.OPS.130.CC Familiarisation**

p. 108-109

comment

552

comment by: *Royal Aeronautical Society*

**Commentor:** Royal Aeronautical Society Human Factors Cabin Crew Standing Group

**Page No:** 109

**Paragraph No:** AMC OR.OPS.130.CC 4.1 f. - Familiarisation

**Comment:** Text requires overview of flight deck but not the door operation.

**Justification:** Recent accidents such as Helios have shown possible lack of familiarity with operation of the flight deck security door particularly in emergency situations. Current training could be achieved theoretically and could result in a cabin crew member being unfamiliar with the door operation.

**Proposed Text (if applicable):** 4.1 f. - *flight deck including practical operation of the flight deck security door in both normal and emergency modes.*

**Author's Response:**

comment

618

comment by: *claire.amos*

2.1:

clarification required: individual's with previous flying experience (no time frame specified) do not need to participate in fam flts. Is this correct?

2.2:

Clarification required on the number of familiarisation flights required for commercial operations.

comment

761

comment by: *claire.amos*

The number of sectors is not specified for commercial air transport operations.

To ensure consistency it should be specifically mentioned as it has been for non-commercial operations.

comment

948

comment by: AEA

**Comment:**

This section conflicts with some parts of the OSC. Contradiction should be removed. This comment should not be considered as AEA support for the OSC proposal (NPA 2009-01)

**Proposal:**

remove contradictions with OSC.

comment

1678

comment by: TAP Portugal

**Comment:**

This section conflicts with some parts of the OSC. Contradiction should be removed. This comment should not be considered as AEA support for the OSC proposal (NPA 2009-01)

**Proposal:**

remove contradictions with OSC.

comment

1727

comment by: Thomas Cook Airlines

**Justification:**

The number of sectors required by non commercial operators is detailed in the rules as 2 however no similar requirement detailed for commercial operators. Can clarification be given to the requirement as it could be open to interpretation especially for long haul operations?

comment

2026

comment by: Elaine Allan Monarch

Page No.  
109

Ref No.  
NPA 2009 - 2c AMC OR OPS 130 CC (2 )

**Summary of EASA Proposed Requirement:**

Requirement detailed that New Entrant Crew are required to complete familiarisation flights

**Comment:**

There is no reference to the number of sectors required for a familiarisation flight.

**Justification:**

The number of sectors required by non commercial operators is detailed in the rules as 2 however no similar requirement detailed for commercial operators. Can clarification be given, particularly for longhaul operators.

Proposed Text (if applicable)

comment

2183

comment by: AUSTRIAN Airlines

**Comment:**

This section conflicts with some parts of the OSC. Contradiction should be removed. This comment should not be considered as AUSTRIAN support for the OSC proposal (NPA 2009-01)

**Proposal:**

remove contradictions with OSC.

comment

2452

comment by: *Virgin Atlantic Airways***Relevant Text:**

(2) New entrant cabin crew

Each new entrant cabin crew member having no previous comparable operating experience should;

- a) Participate in a visit as described in paragraph 4 to the aircraft to be operated and
- b) Participate in familiarisation flights as described in paragraph 3.

**Comments:**

No reference to the number of sectors required to complete familiarisation.

**Proposed Text:**

New entrant cabin crew should be assigned to operate at least 2 flight sectors under supervision.

comment

2480

comment by: *KLM***Comment:**

This section conflicts with some parts of the OSC. Contradiction should be removed. This comment should not be considered as AEA support for the OSC proposal (NPA 2009-01)

**Proposal:**

remove contradictions with OSC.

comment

2649

comment by: *Ryanair*Attachment [#41](#)

Comment

The need to have a specific period and aircraft given over to providing an "overview" of the aircraft environment during an "Aircraft Visit" should be altered to allow the requirement to be fulfilled over the period of the Familiarisation flights.

Previous theoretical and practical training given by a Safety Instructor on a Representative Training Device means that the requirement for the Visit is only an "Overview" of specified items. Thus, the "Suitably Qualified Person" should include Senior Cabin Crew Members (SCCM) whose qualification, knowledge and expertise is acknowledged in section 3.2 where the conduct of the Familiarisation flights is entrusted to the SCCM.

Our proposal, if accepted will: -

Maintain current safety levels: -

- The student will be extra to the normal operational crew while the

familiarisation training takes place.

Enhance Training by: -

- Allowing the training to take place in a One-to-One environment instead of in a group environment often involving classes of significant size.
- Allowing the training to take place over the period of the familiarisation flights rather than in an aircraft that could be undergoing maintenance or could be required for line operations thus rushing the training.
- Audio-visual training aids, including videos, can be used to prepare the student for the "overview" training so that the actual familiarisation with the relevant items is, in fact, consolidation of previously instructed material.

Provide an operator with significant efficiencies:-

- Not required to assign an aircraft to this element of training
- not required to assign a Safety instructor to the function
- Able to use an already rostered SCCM to conduct the overview training

Proposal.

Please see attached document.

comment

2665

comment by: *Deutsche Lufthansa AG*

**Comment:**

This section conflicts with some parts of the OSC. Contradiction should be removed. This comment should not be considered as Lufthansa support for the OSC proposal (NPA 2009-01)

**Proposal:**

remove contradictions with OSC.

comment

3028

comment by: *Swiss International Airlines / Bruno Pfister*

**Comment:**

This section conflicts with some parts of the OSC. Contradiction should be removed. This comment should not be considered as AEA support for the OSC proposal (NPA 2009-01)

**Proposal:**

remove contradictions with OSC.

comment

3187

comment by: *Vairis VELDE*

Different terms such as **sectors** (OR.OPS.255.CC Single cabin crew operations), **flight sectors**, **flight/flights** are used for description of cabin crew familiarization flying requirements.

The suggestion would be to use **sector/sectors** everywhere, as it is written in flight crew requirements.

comment

3218

comment by: *Vairis VELDE*

The suggestion would be to consider the resignation from odd sector familiarisation flying for cabin crews, since most of the trips consist of an

outbound and inbound sector. Out of the home base there will be flying an augmented cabin crew since during familiarisation flights, the cabin crew member should be additional to the minimum number of cabin crew required, and most likely on an inbound flight there will be also the same augmented cabin crew. In this way augmented crew would be used expediently for additional flight where cabin crew would be supervised by the senior cabin crew member.

comment 3229

comment by: *Vairis VELDE*

No familiarisation requirements for cabin crews who will operate currently operated aircraft type or variant with different operator with different safety equipment, safety equipment location or normal and emergency safety procedures.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1 - AMC OR.OPS.135.CC Operator's recurrent training and associated checking**

p. 110

comment 619

comment by: *claire.amos*

1.5:

Clarification required: Is the actual opening of doors now an annual requirement or are touch drills still acceptable? How can 'forces required' be simulated in touch drills?

1.5 (a)

Clarification required: What is the value in increasing the frequency of actual fire training to every year from every three years?

Cost impact: additional training equipment to cover significant increase in usage, increase in maintenance changes due to significant increase in fire rig usage.

1.5 (b)

clarification required: What is the value of increasing the frequency of actual fire training to every year from every three years?

cost implication: increase in cost of training equipment, increase in maintenance requirements of fire rig and cabin sim.

comment 762

comment by: *claire.amos***Point 1.5**

It is not clear if the actual operation of doors and fire and smoke training is now an annual requirement or still triannual as stated in EU-OPS.

comment 1430

comment by: *UK CAA***Page No:** 110**Paragraph No:** AMC OR.OPS.135.CC

**Comment:** This training has not been divided into annual and 3 yearly recurrent items.

**Justification:** This will require operators to conduct practical door training and fire and smoke training on an annual basis and is not in compliance with OR.OPS.135.CC.

**Proposed Text (if applicable):** Insert a new 1.4 In addition to this training, cabin crew members shall also be trained on the following within intervals not exceeding three years: Renumber with new 1.5 and 1.6.

comment

1465

comment by: ETF

New: **1.4** (will result in renumbering of current 1.4 and 1.5)

**Training on aero medical aspects and first aid includes the content and use of the First Aid Kits.**

Reason: It is not evident that aero medical aspects includes FAK training. The use and content is outlined in ICAO Annex 6 Chapter 12 and was a requirement in OPS

comment

1728

comment by: Thomas Cook Airlines

Justification:

Requires clearer definition to ensure that this reflects the rule requirement

Proposal:

Before 1.4 insert:

At intervals not exceeding three years recurrent training also includes  
1.4 Training on operation of normal etc.....

comment

1841

comment by: Jill Pelan

**THE CFDT France demands**

New: **1.4** (will result in renumbering of current 1.4 and 1.5)

**Training on aero medical aspects and first aid includes the content and use of the First Aid Kits.**

Reason: It is not evident that aero medical aspects includes FAK training. The use and content is outlined in ICAO Annex 6 Chapter 12 and was a requirement in OPS

comment

1917

comment by: FSC - CCOO

Add:

**1.6 Training on aero medical aspects and first aid includes the content and use of the First Aid Kits.**

Reason: It is not evident that aero medical aspects includes FAK training. The use and content is outlined in ICAO Annex 6 Chapter 12 and was a requirement in OPS

comment

1984

comment by: kapers Cabin Crew Union

New: **1.4** (will result in renumbering of current 1.4 and 1.5)

**Training on aero medical aspects and first aid includes the content and use of the First Aid Kits.**

Reason: It is not evident that aero medical aspects includes FAK training. The use and content is outlined in ICAO Annex 6 Chapter 12 and was a requirement in OPS

comment

2057

comment by: *Elaine Allan Monarch*

Page No.  
110

Ref No.  
NPA 2009 - 2c AMC OR OPS 135 CC

Summary of EASA Proposed Requirement:  
Training Programme

Comment:  
Does not clearly define what is 1 yearly or 3 yearly requirements.

Justification:  
Requires clearer definition to ensure that this reflects the rule requirement.

Proposed Text (if applicable)  
Before 1.4 insert: **At inter vals not exceeding thr ee years recurrent training also includes 1.4 Training on operation of normal .....**

comment

2455

comment by: *Virgin Atlantic Airways***Relevant Text:**

Operators recurrent training and associated checking.  
1 Training programme

**Comments**

1 yearly and 3 yearly requirements are not clearly defined. AMC is actually more detailed than the rule.

**Proposed Text:**

An operator shall ensure that every 12 calendar months the training includes the following;

The location and handling of emergency equipment including oxygen systems, and the donning by each crewmember of lifejackets, portable oxygen and protective breathing equipment.

Training on emergency situations including pilot incapacitation procedures and crowd control techniques. Etc

An operator shall ensure that, at intervals not exceeding 3 years recurrent training also includes;

1) Each cabin crew member operating and actually opening each type or variant of normal and emergency exit in the normal and emergency modes, including failure of power assist systems where fitted. This is also to include the action and forces required to operate and deploy evacuation slides. This training shall be conducted in an aircraft or representative device.

2) The demonstration of the operation of all other exits including flight deck windows.

3) The realistic and practical training in the use of all fire fighting equipment including protective clothing representative of that carried in the aircraft. Etc.

comment 3174 comment by: Irish Aviation Authority

Comment:  
 Insert as paragraph 1.6 - Pilot Incapacitation is listed in OR OPS .135.CC, paragraph (c) as required within intervals not exceeding 3 years, "(c) (1) each cabin crewmember (ii) undergoing pilot incapacitation training if applicable"  
 However, the AMC to OR OPS 1.35 CC does not expand on what is required.

Justification:  
 In order to retaining familiarity with the practical skills acquired in the type conversion training

Proposed text:  
 (insert same text as per AMC.OR.OPS.125.CC paragraph 7)  
 "Unless the cabin crew is more than 2, each cabin crewmember should be trained in the procedures for flight crew incapacitation and should operate the seat and harness mechanisms....etc..."

comment 3323 comment by: cfdt france

**THE CFDT France demands**  
 New: **1.4** (will result in renumbering of current 1.4 and 1.5)  
**Training on aero medical aspects and first aid includes the content and use of the First Aid Kits.**

Reason: It is not evident that aero medical aspects includes FAK training. The use and content is outlined in ICAO Annex 6 Chapter 12 and was a requirement in OPS

comment 4022 comment by: CUD

Add:

**1.6 Training on aero medical aspects and first aid includes the content and use of the First Aid Kits.**

Reason: It is not evident that aero medical aspects includes FAK training. The use and content is outlined in ICAO Annex 6 Chapter 12 and was a requirement in OPS

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1 - AMC OR.OPS.140.CC Operator's refresher training and checking** p. 110

comment 435 comment by: CAA-NL

CAA-NL requests EASA to reconsider moving this AMC requirement to an OR.

comment 620 comment by: claire.amos

Clarification required: Why has the requirement to operate doors after an absence of six months been introduced if the annual recurrent is still valid at that point?

comment 2481 comment by: KLM

**Relevant Text:**

For aircraft with complex equipment or procedures, the operator should consider the need for refresher training to be completed by cabin crew members who have been absent of flying duties for less than 6 months.

**Comment:**

The requirement is contained in OR.OPS.140.CC, and it should not include anything but safety related equipment

**Proposal:**

Delete this GM (since the requirement is already stated in OR)

comment 3029 comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

For aircraft with complex equipment or procedures, the operator should consider the need for refresher training to be completed by cabin crew members who have been absent of flying duties for less than 6 months.

**Comment:**

The requirement is contained in OR.OPS.140.CC, and it should not include anything but safety related equipment

**Proposal:**

Delete this GM (since the requirement is already stated in OR)

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 1 - GM OR.OPS.140.CC Operator's refresher training and checking**

p. 110

comment 949 comment by: AEA

**Relevant Text:**

For aircraft with complex equipment or procedures, the operator should consider the need for refresher training to be completed by cabin crew members who have been absent of flying duties for less than 6 months.

**Comment:**

The requirement is contained in OR.OPS.140.CC, and it should not include anything but safety related equipment

**Proposal:**

Delete this GM (since the requirement is already stated in OR)

comment 1679 comment by: TAP Portugal

**Relevant Text:**

For aircraft with complex equipment or procedures, the operator should consider the need for refresher training to be completed by cabin crew members who have been absent of flying duties for less than 6 months.

**Comment:**

The requirement is contained in OR.OPS.140.CC, and it should not include anything but safety related equipment

**Proposal:**

Delete this GM (since the requirement is already stated in OR)

comment 2184 comment by: AUSTRIAN Airlines

**Relevant Text:**

For aircraft with complex equipment or procedures, the operator should consider the need for refresher training to be completed by cabin crew members who have been absent of flying duties for less than 6 months.

**Comment:**

The requirement is contained in OR.OPS.140.CC, and it should not include anything but safety related equipment

**Proposal:**

Delete this GM (since the requirement is already stated in OR)

comment

2667

comment by: *Deutsche Lufthansa AG***Relevant Text:**

For aircraft with complex equipment or procedures, the operator should consider the need for refresher training to be completed by cabin crew members who have been absent of flying duties for less than 6 months.

**Comment:**

The requirement is contained in OR.OPS.140.CC, and it should not include anything but safety related equipment

**Proposal:**

Delete this GM (since the requirement is already stated in OR)

comment

3660

comment by: *AIR FRANCE***Relevant Text:**

For aircraft with complex equipment or procedures, the operator should consider the need for refresher training to be completed by cabin crew members who have been absent of flying duties for less than 6 months.

**Comment:**

The requirement is contained in OR.OPS.140.CC, and it should not include anything but safety related equipment

**Proposal:**

Delete this GM (since the requirement is already stated in OR)

comment

3909

comment by: *Ryanair*

Comment reference GM OR.OPS.140.CC

This section is extremely vague. The use of the word "consider" implies that it is not mandatory. The timeframe described is strange - "less than 6 months". A day is less than six months so is 5.5 months.

This section will accomplish nothing as written. It can only lead to difficulties for an operator if, having considered the need for refresher training and rejected it, a CCM is involved in an incident and complications arise.

**Proposal**

As I cannot be sure what the intention of the section is I cannot really propose alternate text.

As written, it should be withdrawn for the above stated reasons.

comment

950

comment by: AEA

**Relevant Text:**

1.6 additional actions required to be performed by cabin crew members when responsible for a pair of exits; and  
 1.7 the type and duration of the flight to be operated.

**Comment:**

This is required by the Essential Requirements (7a (iii) ) in Annex 4 of Basic Regulation.

**Proposal:**

Delete this requirement to avoid duplication.

comment

1305

comment by: ETF

New: **4. Consideration should be given to include additional cabin crew for special operations.**

Reason: this was included in OPS 1.990. It is important that operators appreciate additional cabin crew for example on flights with a large number of PRMs. The number of cabin crew could become crucial for passenger survival in accidents.

**New: AMC OR.OPS.205.CC (d)**

**The procedure for reducing the minimum cabin crew in " unforeseen circumstances" is aimed at bringing an aircraft back to home base from an out-station.**

Reason: ETF is aware of operators that have used the procedure at base stations. At home base the operator is required to have sufficient cabin crew to man their aircraft.

comment

1680

comment by: TAP Portugal

**Relevant Text:**

1.6 additional actions required to be performed by cabin crew members when responsible for a pair of exits; and  
 1.7 the type and duration of the flight to be operated.

**Comment:**

This is required by the Essential Requirements (7a (iii) ) in Annex 4 of Basic Regulation.

**Proposal:**

Delete this requirement to avoid duplication.

comment

1842

comment by: Jill Pelan

**THE CFDTFrance asks for**

New: **4. Consideration should be given to include additional cabin crew for special operations.**

Reason: this was included in OPS 1.990. It is important that operators appreciate additional cabin crew for example on flights with a large number of PRMs. The number of cabin crew could become crucial for passenger survival in

accidents.

**New: AMC OR.OPS.205.CC (d)**

**The procedure for reducing the minimum cabin crew in " unforeseen circumstances" is aimed at bringing an aircraft back to home base from an out-station.**

Reason: The CFDT france & ETF are aware of operators that have used the procedure at base stations. At home base the operator is required to have sufficient cabin crew to man their aircraft.

comment

1918

comment by: FSC - CCOO

Comment to: 1.7 the type and duration of the flight to be operated.

AMC or GM should establish how type and duration of the flight to be operated shall have an impact of number and composition of cabin crew.

Reason: In order to achieve harmonization and legal certainty the fore mentioned criteria should be recommended by EASA.

comment

1919

comment by: FSC - CCOO

Add: **4. Consideration should be given to include additional cabin crew for special operations.**

Reason: this was included in OPS 1.990. It is important that operators appreciate additional cabin crew for example on flights with a large number of PRMs. The number of cabin crew could become crucial for passenger survival in accidents.

comment

1920

comment by: FSC - CCOO

Add: new to **AMC OR.OPS.205.CC (d)**

**The procedure for reducing the minimum cabin crew in " unforeseen circumstances" is aimed at bringing an aircraft back to home base from an out-station.**

Reason: Operators are required to employ a sufficient number of cabin crew to man their flights at home base. This provision has been used in the past in the case of cabin crew not showing up for their scheduled flight at home base.

comment

1985

comment by: kapers Cabin Crew Union

New: **4. Consideration should be given to include additional cabin crew for special operations.**

Reason: this was included in OPS 1.990. It is important that operators appreciate additional cabin crew for example on flights with a large number of PRMs. The number of cabin crew could become crucial for passenger survival in accidents.

**New: AMC OR.OPS.205.CC (d)**

**The procedure for reducing the minimum cabin crew in " unforeseen circumstances" is aimed at bringing an aircraft back to home base**

**from an out-station.**

Reason: kapers is aware of operators that have used the procedure at base stations. At home base the operator is required to have sufficient cabin crew to man their aircraft.

comment

2061

comment by: *Elaine Allan Monarch*

Page No.  
111

Ref No.  
NPA 2009 - 2c GM OR OPS 205 CC (e)

Summary of EASA Proposed Requirement:  
No reference to crew reduction if less than 20 pax onboard

Comment:

Justification:  
Currently able to reduce the number of crew if less than 20 passengers are on board during ground operations

Proposed Text (if applicable)

comment

2185

comment by: *AUSTRIAN Airlines***Relevant Text:**

1.6 additional actions required to be performed by cabin crew members when responsible for a pair of exits; and  
1.7 the type and duration of the flight to be operated.

**Comment:**

This is required by the Essential Requirements (7a (iii) ) in Annex 4 of Basic Regulation.

**Proposal:**

Delete this requirement to avoid duplication.

comment

2318

comment by: *Virgin Atlantic Airways***Relevant Text:**

"2. When the number of cabin crew is reduced below the minimum required by OR.OPS.105.CC or OR.OPS.205.CC(a) as applicable, for example in the event of incapacitation of cabin crew, consideration should be given at least to the following:"

**Comment:**

'Incapacitation' tends to be used for illness occurring while on operational duty. There may be other reasons why a reduction to the minimum number of cabin crew is necessary, e.g. civil unrest, acts of god inc. extreme weather conditions, etc.

**Proposed Text:**

"2. When the number of cabin crew is reduced below the minimum required by OR.OPS.105.CC or OR.OPS.205.CC(a) as applicable, for example in the event of ~~incapacitation~~ unavailability of cabin crew due to unforeseen

circumstances, consideration should be given at least to the following:"

comment

2482

comment by: KLM

**Relevant Text:**

1.6 additional actions required to be performed by cabin crew members when responsible for a pair of exits; and  
1.7 the type and duration of the flight to be operated.

**Comment:**

This is required by the Essential Requirements (7a (iii) ) in Annex 4 of Basic Regulation.

**Proposal:**

Delete this requirement to avoid duplication.

comment

2668

comment by: Deutsche Lufthansa AG

**Relevant Text:**

1.6 additional actions required to be performed by cabin crew members when responsible for a pair of exits; and  
1.7 the type and duration of the flight to be operated.

**Comment:**

This is required by the Essential Requirements (7a (iii) ) in Annex 4 of Basic Regulation.

**Proposal:**

Delete this requirement to avoid duplication.

comment

3030

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

1.6 additional actions required to be performed by cabin crew members when responsible for a pair of exits; and  
1.7 the type and duration of the flight to be operated.

**Comment:**

This is required by the Essential Requirements (7a (iii) ) in Annex 4 of Basic Regulation.

**Proposal:**

Delete this requirement to avoid duplication.

comment

3324

comment by: cfdt france

**THE CFDTFrance asks for**

New: **4. Consideration should be given to include additional cabin crew for special operations.**

Reason: this was included in OPS 1.990. It is important that operators appreciate additional cabin crew for example on flights with a large number of PRMs. The number of cabin crew could become crucial for passenger survival in accidents.

**New: AMC OR.OPS.205.CC (d)**

**The procedure for reducing the minimum cabin crew in " unforeseen**

**circumstances" is aimed at bringing an aircraft back to home base from an out-station.**

Reason: The CFDT france & ETF are aware of operators that have used the procedure at base stations. At home base the operator is required to have sufficient cabin crew to man their aircraft.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 2 - AMC OR.OPS.205.CC (e) Number and composition of cabin crew**

p. 111

comment

1432

comment by: UK CAA

**Page No:** 111

**Paragraph No:**  
AMC OR.OPS.205.CC - (e)

**Comment:** Text in EU-OPS permitted further reduction of cabin crew when less than 20 passengers remained on board. NPA 2009-02a (Explanatory Note) stated that the Commission recommended that requirements be based, as much as possible on existing material in EU-OPS.

**Justification:** This was introduced by a fairly recent NPA process and was designed to give more commercial flexibility.

**Proposed Text (if applicable):** Number first paragraph as 1 and renumber 1, 2 and 3 as 1.1, 1.2 and 1.3. Insert new paragraph 2 to as follows –  
2 During disembarkation when the number of passengers remaining on board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with OR.OPS.205.CC (e) provided that;  
2.1 the operator has established a procedure for the evacuation of passengers with this reduced number of cabin crew that has been accepted by the competent authority as providing equivalent safety; and  
2.2 the senior cabin crew member is present in the passenger cabin.

comment

1829

comment by: Thomas Cook Airlines

**Justification:**

Currently there is the facility to reduce the number of crew if less than 20 passengers remain on board during ground operations.

**Proposal:**

Include: (b) During disembarkation when the number of passengers remaining on board is less than 20, the minimum number of cabin crew present in the passenger cabin may be reduced below the minimum number of cabin crew required in accordance with OR OPS 205 provided that:

1. the operator has established a procedure for the evacuation of passengers with this reduced number of cabin crew that has been accepted by the Authority as providing equivalent safety; and

2. the senior cabin crew member is present in the passenger cabin. Minimum number of cabin crew required to be on board an aeroplane during ground operations with passengers. When developing the procedure(s) the following should be taken into account:

a. The possibility of gathering the remaining passengers in one part of each

deck or of the deck, depending upon their initial seat allocation,  
 b. The possible occurrence of refuelling/defuelling,  
 c. The associated number and distribution of cabin crew and the possible presence of flight crew on board, until the last passenger has disembarked

comment 4024

comment by: CUD

Comment to: 1.7 the type and duration of the flight to be operated.

AMC or GM should establish how type and duration of the flight to be operated shall have an impact of number and composition of cabin crew.

Reason: In order to achieve harmonization and legal certainty the fore mentioned criteria should be recommended by EASA.

comment 4025

comment by: CUD

Add: **4. Consideration should be given to include additional cabin crew for special operations.**

Reason: this was included in OPS 1.990. It is important that operators appreciate additional cabin crew for example on flights with a large number of PRMs. The number of cabin crew could become crucial for passenger survival in accidents.

comment 4026

comment by: CUD

Add: new to **AMC OR.OPS.205.CC (d)**  
**The procedure for reducing the minimum cabin crew in " unforeseen circumstances" is aimed at bringing an aircraft back to home base from an out-station.**

Reason: Operators are required to employ a sufficient number of cabin crew to man their flights at home base. This provision has been used in the past in the case of cabin crew not showing up for their scheduled flight at home base.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 2 - GM OR.OPS.205.CC (e) Number and composition of cabin crew** p. 111-112

comment 2320

comment by: Virgin Atlantic Airways

**Relevant Text:**

"MINIMUM CABIN CREW DURING GROUND OPERATIONS

During ground operations, if reducing the minimum required number of cabin crew members, the operator should have established operational procedures to ensure that:"

**Comment:**

There is no mention of reducing the minimum required cabin crew in the subtitle and the procedures that follow this introduction appear to be those that should be in place for all flights, including those with reduced minimum required cabin crew.

**Proposed Text:**

"MINIMUM CABIN CREW DURING GROUND OPERATIONS

During ground operations, ~~if reducing~~ including when the minimum required number of cabin crew members is reduced, the operator should have established operational procedures to ensure that:"

comment 3216

comment by: DGAC

Amend the sub-title as follows :

"~~MINIMUM~~ MINIMUM CABIN CREW DURING GROUND OPERATIONS"

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 2 - AMC OR.OPS.250 CC Operations on more than one type or variant**

p. 112

comment 1921

comment by: FSC - CCOO

1.1 all portable safety equipment is stowed in the same, ~~or in exceptional circumstances, in substantially the same~~ location;

Reason: Terms such as *exceptional circumstances* or *substantially the same* do not provide legal certainty.

comment 1922

comment by: FSC - CCOO

1.2 all portable safety equipment ~~requires the same method of operation~~;

Replace with:

should be of the same make.

Reason: The proposed text is not precise enough i.e. which PBE's require the same method of operation?

comment 3132

comment by: ERA

**European Regions Airline Association Comment**

The portable safety equipments that absolutely need to be in the same or substantially the same location shall be limited to those requiring immediate use in case of emergency. We request to remove from this list: first aid oxygen equipment; megaphones; first aid equipment; survival equipment and signalling equipment; none of these pieces of equipment require immediate and instinctive use. As a matter of fact, these pieces of equipment prove usually impossible to locate exactly at the same position from one variant to another, and the "exceptional circumstances" is always used for them.

ERA therefore request to change the text as follows:

1.3 for the purpose of 1.1, portable safety equipment requiring immediate action includes:

e. torches; and

f. ~~megaphones;~~

g. ~~first-aid equipment;~~

~~h. survival equipment and signalling equipment; and~~  
~~i f. other safety equipment where applicable.~~

comment

3342

comment by: Lufthansa CityLine GmbH

The portable safety equipments that absolutely need to be in the same or substantially the same location shall be limited to those requiring immediate use in case of emergency. We request to remove from this list: first aid oxygen equipment; megaphones; first aid equipment; survival equipment and signalling equipment; none of these pieces of equipment require immediate and instinctive use. As a matter of fact, these pieces of equipment prove usually impossible to locate exactly at the same position from one variant to another, and the "exceptional circumstances" is always used for them.

We therefore request to change the text as follows:

1) When determining similarity of location and type of portable safety equipment the following factors should be assessed to justify the finding of similarity:

1.1. all portable safety equipment requiring immediate use is stowed in the same, or in exceptional circumstances, in substantially the same location;

1.2. all portable safety equipment requires the same method of operation;

**1.3. for the purpose of 1.1, portable safety equipment requiring immediate action includes:**

a) fire fighting equipment;

b) protective breathing equipment (PBE);

c) oxygen equipment;

d) crew lifejackets;

e) torches; and

~~f) megaphones;~~

~~g) first aid equipment;~~

~~h) survival equipment and signalling equipment; and~~

~~f) other safety equipment where applicable~~

comment

3960

comment by: ANE (Air Nostrum) OPS QM

The portable safety equipments that absolutely need to be in the same or substantially the same location shall be limited to those requiring immediate use in case of emergency. We request to remove from this list: first aid oxygen equipment; megaphones; first aid equipment; survival equipment and signalling equipment; none of these pieces of equipment require immediate and instinctive use. As a matter of fact, these pieces of equipment prove usually impossible to locate exactly at the same position from one variant to another, and the "exceptional circumstances" is always used for them.

We therefore request to change the text as follows:

1. When determining similarity of location and type of portable safety equipment the following factors should be assessed to justify the finding of similarity:

1.1 all portable safety equipment **requiring immediate use** is stowed in the same, or in exceptional circumstances, in substantially the same location;

1.2 all portable safety equipment requires the same method of operation;

**1.3 for the purpose of 1.1, portable safety equipment requiring immediate action includes:**

a. fire fighting equipment

b. protective breathing equipment (PBE);

c. subsistence oxygen equipment  
 d. crew lifejackets;  
 e. torches, **and**;  
 f. megaphones  
 g. first aid equipment  
 h. survival equipment and signalling equipment, and  
 i. other safety equipment where applicable

comment

4028

comment by: CUD

1.1 all portable safety equipment is stowed in the same, ~~or in exceptional circumstances, in substantially the same location;~~

Reason: Terms such as *exceptional circumstances* or *substantially the same* do not provide legal certainty.

comment

4030

comment by: CUD

1.2 all portable safety equipment ~~requires the same method of operation;~~

Replace with:

should be of the same make.

Reason: The proposed text is not precise enough i.e. which PBE's require the same method of operation?

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 2 - GM OR.OPS.250.CC Operations on more than one type or variant**

p. 112

comment

2125

comment by: Elaine Allan Monarch

Page No.  
112

Ref No.  
NPA 2009 - 2c AMC OR OPS 250 CC

Summary of EASA Proposed Requirement:  
Includes a list of portable safety equipment.

Comment:  
Currently the requirement states location and type of equipment.

Justification:  
The expanded list of equipment appears more restrictive.

Proposed Text (if applicable)

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 2 - AMC OR.OPS.260.CC (b) Senior cabin crew member**

p. 112-113

comment

951

comment by: AEA

**Relevant Text:**

1.3 consideration of the particular flight, including aeroplane type, equipment, area and type of operation including ETOPS, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**Comment:**

There is no specific training or considerations for cabin crew regarding ETOPS, we propose to delete the requirement.

**Proposal:**

*1.3 consideration of the particular flight, including aeroplane type, equipment, ~~area and type of operation including ETOPS~~, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.*

comment

1681

comment by: TAP Portugal

**Relevant Text:**

1.3 consideration of the particular flight, including aeroplane type, equipment, area and type of operation including ETOPS, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**Comment:**

There is no specific training or considerations for cabin crew regarding ETOPS, we propose to delete the requirement.

**Proposal:**

*1.3 consideration of the particular flight, including aeroplane type, equipment, ~~area and type of operation including ETOPS~~, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.*

comment

2186

comment by: AUSTRIAN Airlines

**Relevant Text:**

1.3 consideration of the particular flight, including aeroplane type, equipment, area and type of operation including ETOPS, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**Comment:**

There is no specific training or considerations for cabin crew regarding ETOPS, we propose to delete the requirement.

**Proposal:**

*1.3 consideration of the particular flight, including aeroplane type, equipment, ~~area and type of operation including ETOPS~~, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.*

comment

2483

comment by: KLM

**Relevant Text:**

1.3 consideration of the particular flight, including aeroplane type, equipment, area and type of operation including ETOPS, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**Comment:**

There is no specific training or considerations for cabin crew regarding ETOPS, we propose to delete the requirement.

**Proposal:**

*1.3 consideration of the particular flight, including aeroplane type, equipment, ~~area and type of operation including ETOPS~~, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.*

comment

2620

comment by: *British Airways Flight Operations*

**Relevant Text:**

1.3 consideration of the particular flight, including aeroplane type, equipment, area and type of operation including ETOPS, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**Comment:**

There is no specific training or considerations for cabin crew regarding ETOPS, we propose that the requirement should be deleted.

**Proposal:**

*1.3 consideration of the particular flight, including aeroplane type, equipment, ~~area and type of operation including ETOPS~~, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.*

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2669

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

1.3 consideration of the particular flight, including aeroplane type, equipment, area and type of operation including ETOPS, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**Comment:**

There is no specific training or considerations for cabin crew regarding ETOPS, we propose to delete the requirement.

**Proposal:**

*1.3 consideration of the particular flight, including aeroplane type, equipment, ~~area and type of operation including ETOPS~~, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.*

comment

3031

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

1.3 consideration of the particular flight, including aeroplane type, equipment, area and type of operation including ETOPS, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**Comment:**

There is no specific training or considerations for cabin crew regarding ETOPS, we propose to delete the requirement.

**Proposal:**

1.3 consideration of the particular flight, including aeroplane type, equipment, ~~area and type of operation including ETOPS~~, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

comment

3661

comment by: AIR FRANCE

**Relevant Text:**

1.3 consideration of the particular flight, including aeroplane type, equipment, area and type of operation including ETOPS, and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**Comment:**

There is no specific training or considerations for cabin crew regarding ETOPS, we propose to delete the requirement.

**Proposal:**

1.3 consideration of the particular flight, including aeroplane type, equipment, DELETE "area and type of operation including ETOPS", and special categories of passengers with particular attention to disabled persons, persons with reduced mobility, infants and stretcher cases.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 2 - GM OR.OPS.260.CC (b)(5) Senior cabin crew member**

p. 113

comment

952

comment by: AEA

**Relevant Text:**

Whenever practicable, the CRM training should include the participation of senior cabin crew members in flight simulator Line Oriented Flying Training exercises.

**Comment:**

This could be very burdensome, to include senior cabin crew members in flight simulator LOFT would not add value. The CRM training with the cabin crew could be performed in classroom and not in a flight simulator LOFT exercise.

**Proposal:**

Delete GM

comment

1682

comment by: TAP Portugal

**Relevant Text:**

Whenever practicable, the CRM training should include the participation of senior cabin crew members in flight simulator Line Oriented Flying Training exercises.

**Comment:**

This could be very burdensome, to include senior cabin crew members in flight simulator LOFT would not add value. The CRM training with the cabin crew could be performed in classroom and not in a flight simulator LOFT exercise.

**Proposal:**

Delete GM

comment

2187

comment by: AUSTRIAN Airlines

**Relevant Text:**

Whenever practicable, the CRM training should include the participation of senior cabin crew members in flight simulator Line Oriented Flying Training exercises.

**Comment:**

This could be very burdensome, to include senior cabin crew members in flight simulator LOFT would not add value. The CRM training with the cabin crew could be performed in classroom and not in a flight simulator LOFT exercise.

**Proposal:**

Delete GM

comment

2484

comment by: KLM

**Relevant Text:**

Whenever practicable, the CRM training should include the participation of senior cabin crew members in flight simulator Line Oriented Flying Training exercises.

**Comment:**

This could be very burdensome, to include senior cabin crew members in flight simulator LOFT would not add value. The CRM training with the cabin crew could be performed in classroom and not in a flight simulator LOFT exercise.

**Proposal:**

Delete GM

comment

2670

comment by: Deutsche Lufthansa AG

**Relevant Text:**

Whenever practicable, the CRM training should include the participation of senior cabin crew members in flight simulator Line Oriented Flying Training exercises.

**Comment:**

This could be very burdensome, to include senior cabin crew members in flight simulator LOFT would not add value. The CRM training with the cabin crew could be performed in classroom and not in a flight simulator LOFT exercise.

**Proposal:**

Delete GM

comment

3032

comment by: Swiss International Airlines / Bruno Pfister

**Relevant Text:**

Whenever practicable, the CRM training should include the participation of senior cabin crew members in flight simulator Line Oriented Flying Training exercises.

**Comment:**

This could be very burdensome, to include senior cabin crew members in flight simulator LOFT would not add value. The CRM training with the cabin crew could be performed in classroom and not in a flight simulator LOFT exercise.

**Proposal:**

Delete GM

comment

3662

comment by: AIR FRANCE

Relevant Text:

Whenever practicable, the CRM training should include the participation of senior cabin crew members in flight simulator Line Oriented Flying Training exercises.

Comment:

This could be very burdensome, to include senior cabin crew members in flight simulator LOFT as this has no added value in comparison with joint CRM training with the cabin crew in classroom or cabin simulator.

Proposal:

Delete GM

comment

3755

comment by: *Christian Hölzle*

This is not applicable as the TC is fulfilling already point 2 (medical fitness). A normal annual check shall be authorised in compliance with normal medical checks.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VI - Chapter 2 - AMC OR.OPS.260.CC (c) Senior cabin crew member**

p. 113

comment

953

comment by: *AEA*

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue nonsafetyrelated duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.

**Comment:**

In EU OPS OPS1.1000 it reads "SHALL BE ENTITLED"

**Proposal:**

Should be IR and not AMC?

comment

954

comment by: *AEA*

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue non safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on..

**Comment:**

Why for safety or security reasons? Turbulences do not pose security threats

**Proposal:**

....cabin crew member should for safety ~~or security~~ purposes discontinue non safety related duties....

comment

1683

comment by: *TAP Portugal*

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue nonsafetyrelated duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched

on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.

**Comment:**

In EU OPS OPS1.1000 it reads "SHALL BE ENTITLED"

**Proposal:**

Should be IR and not AMC?

comment

1685

comment by: TAP Portugal

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue non safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on..

**Comment:**

Why for safety or security reasons? Turbulences do not pose security threats

**Proposal:**

....cabin crew member should for safety ~~or security~~ purposes discontinue non safety related duties....

comment

2188

comment by: AUSTRIAN Airlines

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue nonsafetyrelated duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.

**Comment:**

In EU OPS OPS1.1000 it reads "SHALL BE ENTITLED"

**Proposal:**

Should be IR and not AMC?

comment

2189

comment by: AUSTRIAN Airlines

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue non safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on..

**Comment:**

Why for safety or security reasons? Turbulences do not pose security threats

**Proposal:**

....cabin crew member should for safety ~~or security~~ purposes discontinue non safety related duties....

comment

2485

comment by: KLM

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue

nonsafetyrelated duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.

**Comment:**

In EU OPS OPS1.1000 it reads "SHALL BE ENTITLED"

**Proposal:**

Should be IR and not AMC?

comment

2486

comment by: KLM

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue non safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on..

**Comment:**

Why for safety or security reasons? Turbulences do not pose security threats

**Proposal:**

....cabin crew member should for safety ~~or security~~ purposes discontinue non safety related duties....

comment

2629

comment by: British Airways Flight Operations

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member **should** for safety or security purposes discontinue non safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.

**Comment:**

EU OPS OPS1.1000 reads: *During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member shall be entitled to discontinue non-safety related duties and advise the flight crew of the level of turbulence being experienced...*

**Proposal:**

Should this instruction be IR and not AMC? Whatever is decided, the text should be aligned with that from EU Ops.

**General Comment:**

NPA 2009-2 in its entirety is unfit for the purpose for which it is intended and must be withdrawn and reconsidered.

comment

2671

comment by: Deutsche Lufthansa AG

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue non-safety-related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.

**Comment:**

In EU-OPS 1.1000 it reads "SHALL BE ENTITLED"

**Proposal:**

Should be IR and not AMC

comment

2672

comment by: *Deutsche Lufthansa AG*

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue non safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on..

**Comment:**

Why for safety or security reasons? Turbulences do not pose security threats

**Proposal:**

....cabin crew member should for safety ~~or security~~ purposes discontinue non safety related duties....

comment

3033

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue nonsafetyrelated duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.

**Comment:**

In EU OPS OPS1.1000 it reads "SHALL BE ENTITLED"

**Proposal:**

Should be IR and not AMC?

comment

3034

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue non safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on..

**Comment:**

Why for safety or security reasons? Turbulences do not pose security threats

**Proposal:**

....cabin crew member should for safety ~~or security~~ purposes discontinue non safety related duties....

comment

3321

comment by: *Ryanair*

This proposal is too vague and could lead to cabin crew members unnecessarily contacting the flight deck on a regular basis

Turbulence has no impact on the "security" of the aircraft

**Proposal**

~~During turbulence~~ *When the level of turbulence experienced requires, and in the absence of any instructions from the flight crew, the senior cabin crew*

~~member should for safety or security purposes discontinue non-safety-related duties and , advise the flight crew of the level of turbulence being experienced and await further instructions. Sterile cockpit requirements should be respected where possible and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.~~

comment 3663

comment by: AIR FRANCE

Relevant Text:

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue nonsafetyrelated duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other applicable areas.

Comment:

In EU OPS OPS1.1000 it reads "SHALL BE ENTITLED"

Proposal:

Should be IR and not AMC?

comment 3664

comment by: AIR FRANCE

Relevant Text:

During turbulence, in the absence of any instructions from the flight crew, the senior cabin crew member should for safety or security purposes discontinue non safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on..

Comment:

Why for safety or security reasons? Turbulences do not pose security threats

Proposal:

....cabin crew member should for safety DELETE "or security" purposes discontinue non safety related duties....

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VII - AMC** p. 113-114  
**OR.OPS.015.TC Conditions for assignment of technical crew to duties**

comment 379

comment by: Reto Ruesch

OR.Ops.015

Cond. Of technical crew to duties, 2, 3, medical fitness

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment 492

comment by: Heli Gotthard

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment 517

comment by: Stefan Huber

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

540

comment by: *Air Zermatt*

Cond. Of technical crew to duties, 2, 3, medical fitness

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

574

comment by: *Air-Glaciers (pf)*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

798

comment by: *Heli Gotthard AG Erstfeld*

OR.Ops.015

Cond. Of technical crew to duties, 2, 3, medical fitness

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

820

comment by: *SHA (AS)*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

842

comment by: *Berner Oberländer Helikopter AG BOHAG*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

939

comment by: *Heliswiss AG, Belp*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

979

comment by: *Heliswiss*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

1003

comment by: *Heliswiss NV*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A

normal annual check shall be authorised in compliance with normal medical checks.

comment 1030 comment by: Dirk Hatebur

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment 1322 comment by: Catherine Nussbaumer

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment 1347 comment by: Jan Brühlmann

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment 1369 comment by: Walter Mayer, Heliswiss

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment 1434 comment by: UK CAA

**Page No:** 113 to 114

**Paragraph No:** AMC OR.OPS.015.TC Paras 1-4. Conditions for assignment of technical crew to duties

**Comment:** "Best aeromedical practice" (para 2) means applying appropriate standards to minimise risk to flight safety. Incapacitation of these technical members will have no impact on flight safety. These paragraphs **must** be deleted. Unnecessary regulatory burden. Task orientated occupational assessment **is** appropriate but technical crew members should not be subject to safety regulation medical requirements.

**Justification:** Paragraph OR.OPS.01.TC 33 defines technical crew as passengers. This complies with Para 33 on page 49 of Explanatory Note 2009-2A stating that these specialists are to be considered as passengers. It is inappropriate for medical standards to be set for passengers.

**Proposed Text (if applicable):**

Delete paragraphs 1 to 4 inclusive.

comment 1559 comment by: Pascal DREER

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment	1972	comment by: <i>Walter Gessky</i>
	<p>1. <b>AMC OR.OPS.015.TC Conditions for assignment of technical crew to duties</b></p> <p><b>Comment:</b> Shall be deleted.</p>	
comment	2229	comment by: <i>Christophe Baumann</i>
	<p>This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.</p>	
comment	2252	comment by: <i>HDM Luftrettung gGmbH</i>
	<p>This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.</p>	
comment	2273	comment by: <i>Benedikt SCHLEGEL</i>
	<p>This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.</p>	
comment	2728	comment by: <i>Philipp Peterhans</i>
	<p>This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.</p>	
comment	2842	comment by: <i>Ph. Walker</i>
	<p>This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.</p>	
comment	3262	comment by: <i>Hans MESSERLI</i>
	<p>This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.</p>	
comment	3491	comment by: <i>Trans Héli (pf)</i>
	<p>This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.</p>	
comment	3597	comment by: <i>Heliswiss International</i>
	<p>This is not applicable as the TC is fulfilling already point 2 (medical fitness).A</p>	

normal annual check shall be authorised in compliance with normal medical checks.

comment

3809

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Paragraph text:**

## GENERAL

1 A technical crew member in HEMS, HHO and NVIS operations should undergo an initial medical examination and assessment and, if applicable, a reassessment before undertaking duties.

2 Any medical assessment or reassessment should be carried out by a general medical practitioner who has sufficient detailed knowledge of best aeromedical practice and the applicant's medical background.

3 An operator should maintain a record of medical fitness for each technical crew member.

4 Technical crew members should:

a. be in good health;

b. be free from any physical or mental illness which might lead to incapacitation or inability to perform crew duties;

c. have normal cardiorespiratory function;

d. have normal central nervous system;

e. have adequate visual acuity 6/9 with or without glasses;

f. have adequate hearing; and

g. have normal function of ear, nose and throat.

**Comment:**

In 1. the expression 'If applicable' is copied from JAR ACJ OPS 3.995 (a)(2), but should be changed to 'When applicable' here. OR.OPS.015.TC has already added a requirement for TC also to be periodically assessed.

In 2. the requirement of 'Sufficient detailed knowledge of best aeromedical practice' is appreciated, but it should be noted that this requirement was not proposed for GMPs examining LPL holders. There should be a consistency, hence the same requirement should be introduced for GMPs examining LPL holders .

comment

3817

comment by: *Swiss Helicopter Group*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

3892

comment by: *Eliticino SA*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical checks.

comment

4043

comment by: *ADAC Luftrettung GmbH*

This is not applicable as the TC is fulfilling already point 2 (medical fitness).A normal annual check shall be authorised in compliance with normal medical

checks.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VII -  
AMC2 OR.OPS.20.TC Initial and type-related training**

p. 114-115

comment 477

comment by: CAA-NL

**Comment:** It is not clear what the intention of this text is, because training in the use of other dangerous goods is covered elsewhere in this paragraph (i.e. e. i. Life rafts, e. ii. Lifejackets, e. iii. Fire extinguishers, e. viii. Pyrotechnics and e. ix. Emergency medical equipment.

comment 905

comment by: Federal Office of Civil Aviation (FOCA), Switzerland

**Comment:**

It is not clear what the intention of this text is, because training in the use of other dangerous goods is covered elsewhere in this paragraph (i.e. e. i. Life rafts, e. ii. Lifejackets, e. iii. Fire extinguishers, e. viii. Pyrotechnics and e. ix. Emergency medical equipment.

comment 1437

comment by: UK CAA

**Page No:** 115-116

**Paragraph No:**

AMC2 OR.OPS.20.TC 1 g / AMC OR.OPS.035.TC 2 g.

**Comment:**

It is not clear what the intention of this text is.

**Justification:**

A requirement for initial training in the "use of dangerous goods" is covered in AMC2 OR.OPS.20.TC 1 g (type related training) but the requirement for recurrent training (AMC OR.OPS.035.TC 2 g) applies to both general and type related training. But in any event it is difficult to conceive when training in the use of dangerous goods would be appropriate since other obvious dangerous goods i.e. Life rafts, Lifejackets, Fire extinguishers, Pyrotechnics and Emergency medical equipment are already addressed. It is also queried what/when dangerous goods would be type specific.

**Proposed Text (if applicable):**

Delete AMC2 OR.OPS.20.TC 1 g and AMC OR.OPS.035.TC 2 g.

comment 3217

comment by: DGAC

**(d)** : clarify what does "use of pilots' checklists" mean in case of incapacitation of the single pilot.

The original text (ACJ OPS 3.1010 §5) was adding the following :  
", where the flight crew is more than one,"

comment 3499

comment by: IATA

**g. Training on the use of dangerous goods, if applicable****Proposal:****Delete g. Training on dangerous goods is already regulated**

comment

3596

comment by: *Finnish CAA*

Paragraph No: AMC2 OR.OPS.20.TC 1 g.

Comment: It is not clear what the intention of this text is, because training in the use of other dangerous goods is covered elsewhere in this paragraph (i.e. e. i. Life rafts, e. ii. Lifejackets, e. iii. Fire extinguishers, e. viii. Pyrotechnics and e. ix. Emergency medical equipment.

Justification:

Proposed Text (if applicable):

comment

4042

comment by: *TUIfly Nordic*

The training including "use of pilots checklist" (item (d.)(iv.)) will not assist the pilot flying in a pilot incap. situation. Several Operators has testified that cabin crew members trying to read a pilot check list increase the workload for the pilot flying instead of reducing workload. This item should therefore be withdrawn.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII**

p. 117

comment

9

comment by: *AIR SAFETY GROUP*

1. **AMC OR.OPS.015.FTL (b) - Nomination of Home Base. It is accepted that each crew member shall be nominated a single Home Base from where they normally report for duty and at which they, as individuals, are responsible for their own home accommodation. It is also accepted that on rare occasions a crew member may have to be re-allocated and posted to another base, which then becomes their new Home Base. However, having to move Home Base and relocate on average every 3 months (max. of 4 times per calendar year) is totally unacceptable and will involve much expense. Moving Home is judged to be one of the most stressful of life's events coming a close second to the death of one's spouse/partner. Strongly recommend that a crew member's 'Home Base must not be changed more than once in any 12 calendar months'. Also suggest adding '...and where the crew member is required to relocate, the operator will re-imburse the crew member for the full cost of such re-location'.**
2. **'Designated Reporting Point' is a phrase used elsewhere within the FTL Scheme and there is no specific definition. Is it intended that the Designated Reporting Point refers solely to the Home Base? If so this should be made clear. If not, then it means that on a day to day basis a crew member's normal Home Base can effectively be changed to include any number of Designated Reporting Points that may be many miles away or even in a different country to the normal nominated Home Base. How does the crew member reach the new designated reporting point and does the operator have to**

transport them there and is the time spent counted as duty, or FDP if followed by a flight? All such questions require specific answers or the whole system will be open to mis-interpretation and possible abuse.

3. **AMC OR.OPS.015.FTL(I) - What is a 'scheduled seasonal period'? Needs to be defined such that it is clear to all crew members the time period that it covers. (1) Suggest that if the planned schedule exceeds the normal maximum FDP on every third flight, then the 'planning' is seriously flawed and should never have been introduced! Suggest that Commander's Discretion is a fall back that should only be called upon on rare occasions, if the planning is realistic. Recommend change 33%, 15% and 10% to 5% in (1), (2) and (3).**
4. **General Comments - Fatigue Risk Management Systems - This is a relatively new and untried concept in commercial aviation. It will take a large degree of commitment and training by all company personnel including those responsible for the commercial aspirations of each company. Commercial pressure will be difficult to counter in order to ensure the risk of fatigue in crew members is avoided at all times. With each operator being able to devise their own specific FTL scheme and seek approval for its use, the possibility for excessive duty and flying hours being forced upon crew members is real if the management and scheduling staff within a company only pay lip service to its implementation and are not fully trained and committed to the concept. Additionally, all Regulatory Authority staff will require comprehensive training in FRMS in order to fully understand and oversee those operators new to the whole concept.**

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII - AMC OR.OPS.015.FTL(b) Operator responsibilities**

p. 117

comment 10

comment by: *Air Atlanta/Haukur Eyjólfsson*

On behalf of Air Atlanta Icelandic:

Suggestion to remove the text: If operational necessities require the change of home base, it should not be changed more than 4 times in any given period of 12 months.

Justification and implementation problematic for Air Atlanta Icelandic:

Short:

The suggested maximum 4 base changes in any 12 consecutive month, is impossible to implement due to the type and nature of Air Atlanta's core operations and FIA Collective Work Agreement (CWA), with the pilot union. The justification of more frequent crew base changes is to ensure that crew member's rest is increased each time, when returning to their assigned crew base.

Details:

Air Atlanta's core business is ACMI lease to other Airlines globally. The company's headquarters are in Iceland, currently however there are no contracts for customers out of Iceland. Our current Crew Bases are KUL, BRU,

AMS, JED, RUH, AUH operating for MasKargo, Saudi Arabian Airlines and Etihad.

Contracts with Air Atlanta's customers are normally short-term, which are in some cases extended to a longer term agreements.

Air Atlanta has an employer employee relationship with crew members contracted by the FÍA (Icelandic Pilot Union) collective work agreement. These crew members encompass the majority of pilots currently operating our fleet. With a few exceptions all FÍA crew members have their domicile in Iceland, while Air Atlanta's bases are global. According to the CWA crew members rotate from being passive (on leave) at their place of domicile to being active crew members on Air Atlanta outstations with an interval 21\21 or 17\17 on the Airbus.

Each rotation is associated with two crew base changes for example when a crew member leaves to an outstation (example AUH) the crew member will be assigned the crew base KEF while on leave and crew base AUH upon arrival in AUH. As per definition of home base "... from where the crew member normally starts and ends a duty period or a series of duty periods.." their crew home base cannot be Keflavik (KEF), even though this is their permanent place of residence.

From a safety point of view the rest at home base is always increased both in terms of minimum rest and time zone crossing when returning to base in the current scheme. The crew member's WOCL is still in KEF for the first 48 hours after leaving KEF, reducing the allowable FDP and increasing the rest upon arrival to AUH (Due to time zone crossing).

The CWA requires that base assignments are fairly distributed between crew members in these rotations e.g. not always the same crew members are to AUH.

comment

301

comment by: *ECA - European Cockpit Association*

Comment on AMC OR.OPS.015.FTL(b): Transfer to IR.

Justification:

This provision shall not be subject to any other interpretation.

comment

302

comment by: *ECA - European Cockpit Association*

Comment on AMC OR.OPS.015.FTL (I): Clarification required : what is the definition of a commercial charter and taxi operator ?

Justification:

These types of operations are not clearly defined. Either they are attached to CAT, and follow relevant rules, or specific requirements must be developed.

comment

303

comment by: *ECA - European Cockpit Association*

Comment on AMC OR.OPS.015.FTL (I): Alleviation require RIA.

Justification:

If such alleviation on operational robustness is deemed necessary, it must be based on a proper assessment. A RIA is thus necessary

comment

402

comment by: *Ryanair*

**AMC OR.OPS.015.FTL(b) – Operator Responsibilities****Comment**

There is no basis in safety that would limit the number of occasions where a crew member voluntarily or otherwise changes home base

**Proposal**

DELETE AMC

comment

679

comment by: *easyjet safety*

Comment: This does not make allowance for the currently approved concept of Alternative Basing.

Proposal: Add "This does not preclude the crew member reporting to an alternative base, without any reduction in the allowable FDP due to positioning, as long as the maximum travelling time to the alternative base does not exceed 90 minutes."

comment

706

comment by: *Civil Aviation Authority of Norway*

We agree with the provision, but we believe that the provision should be of a more legally binding character, and therefore should be transferred to the Implementing Rules (ex. to OR.OPS.015.FTL ).

comment

1191

comment by: *ECA - European Cockpit Association*

Comment on AMC OR.OPS.015.FTL(b):change as follows

The home base nominated by the Operator should not be changed for the purpose of extending the FDP or reducing the rest period. If operational necessities require the change of home base, it should not be changed more than **4 2** times in any given period of 12 calendar months **and only with the crew member's explicit assent.**

Justification:

The EASA proposed provision would mean that days free of duty could be given away from the crew member's social home base. This contradicts CD 2000/79 and CD 2003/88 and must be avoided! The number of changes shall be reduced to 2 occasions in line with the seasonal changes.

comment

1193

comment by: *Sven Freisenich***FTL(b) Operator responsibilities NOMINATION OF HOME BASE**

Change "12 calendar months" by "one calendar year".

Additionally: home base changes in excess of 4 times in any calendar year can be mutually agreed between operator and crew member.

comment

1877

comment by: *Gordana BOBERIC*

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

Replace: arrangements, the latest

Reason: The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

comment 2845 comment by: Civil Aviation Authority of Norway

The scheduled seasonal period should be defined. We suggest a 3 months period.

comment 3114 comment by: BALPA

Asking crews to move "Home base" four times in 12 calendar months is totally unrealistic and unreasonable.

Please define "operational necessities".

comment 3564 comment by: KLM Cityhopper

**Comment:**

The wording is different from Subpart Q of EU-OPS. Suggest to retain previous wording to avoid any misunderstanding.

**Proposal:**

*Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.*

comment 3837 comment by: IACA International Air Carrier Association

Change "12 calendar months" by "one calendar year".

Additionally: home base changes in excess of 4 times in any calendar year can be mutually agreed between operator and crew member.

comment 4063 comment by: Ryanair

Comment.

THERE IS NO BASIS IN SAFETY IN LIMITING CHANGES OF HOME BASE. THIS APPEARS TO BE AN INDUSTRIAL RELATIONS ISSUE AND IS NOT APPROPRIATE HERE.

Proposal

Delete " If operational necessities require the change of home base, it should not be changed more than 4 times in any given period of 12 calendar months"

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII - AMC  
OR.OPS.015.FTL(I) Operator responsibilities**

p. 117

comment 707 comment by: *Civil Aviation Authority of Norway*

We agree with the provision, but we believe that the provision should be transferred to the Implementing Rules (ex. to OR.OPS.015.FTL ).

comment 1112 comment by: *AEA*

**Relevant Text:**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

- (1) 33% for commercial air transport operations (aeroplanes)

**Comment:**

The wording is different from Subpart Q of EU-OPS. Suggest to retain previous wording to avoid any misunderstanding.

**Proposal:**

*Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.*

comment 1194 comment by: *ECA - European Cockpit Association*

Comment on AMC OR.OPS.015.FTL(I): change wording as follows:

**An operator may not plan a flight duty to end later than 30 minutes prior to the maximum allowable flight duty limit unless recent statistics or operational experience prove that the standard deviation from the planned FDP (i.e. root mean square deviation) is less than these 30 minutes and the planned FDP can reasonably be expected not to exceed the applicable limit. In this case the operator may plan to stay short of the maximum allowable flight duty limit by not less than this standard deviation.**

Justification:

The quote of 33% (15%, 10%) is not really the issue. The real problem is the rule's built-in possibility for misuse which undermines the given flight duty limits and makes CS.FTL.1.160 a standard means of operation.

A day to day operation will always show a certain variation in sector length for a specific flight. This variation may depend on the type of operation and scheduling season as well as on other operational factors. The total number of flights observed statistically forms a Gauss-curve which is characterized by its standard deviation.

The rule allows an operator to move the relevant Gauss-curve to some extent beyond the limits which factually establishes a higher FDT limit than

anticipated in the regulation. The 33% and the individual standard variation provide the margin how far the limit could be extended. Thus an operator with a narrow Gauss curve cannot go as far as an operator with a wide gauss curve! At last, the less reliable operator with the wider spread is less restricted than the well organized operator. In other words, from this side there is little incentive to perform on time.

The rule however should reward a flight operation which is driven by the goal to reduce the total amount of delay as well as excessive individual delay.

The rule is ambiguous as it lacks the definition for which type of operation forms a "commercial charter and taxi operation". Thus it is unclear to who applies which limit. Further, it is the nature of the operation of charter and taxi operators not to have a regular operation in regards to flights and destinations. Thus it is unclear on which base the statistics shall be formed. This applies even more to (3) "... all other cases".

**Additional explanation:**

We refer to the normal probability curve or Gauss error distribution curve which provides the estimated probability that a specific flight will encounter a specific amount of delay. A narrow curve implies that a specific operator is typically very close to its schedule where as a wide curve implies that an operator typically encounters a wide variation of arrival times in regard to its schedule. The proposed wording rewards the organized and reliable operator as flights may be scheduled very tight to the limits.

Assuming a Gaussian distribution (normal curve distribution) the proposed wording establishes a limit which does not allow an operator to exceed the given limits by more than 16% (The standard deviation defines a variation which encloses 68.27% of all block times; the remaining 31.73% of the flights are either shorter or longer. The standard variation is a statistically widely used value and well defined, easy to track and simple to program.

comment

1686

comment by: TAP Portugal

**Relevant Text:**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

(1) 33% for commercial air transport operations (aeroplanes)

**Comment:**

The wording is different from Subpart Q of EU-OPS. Suggest to retain previous wording to avoid any misunderstanding.

**Proposal:**

*Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.*

comment

1755

comment by: Jill Pelan

**AMC OR.OPS.015.FTL(I) Operator responsibilities**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

**THE CFDT France demands Replacement of "arrangements", the latest schedule**

*Reason:* The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

comment

1785

comment by: Sean Butler, bmi

**Page: 117 Section: AM C-OPS.OR.OPS.15.FTL (I) Operator Responsibilities**

Relevant Text: The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

(1) 33% for commercial air transport operations (aeroplanes)

**Comment:**

The wording is different from Subpart Q of EU-OPS and should revert to the original wording.

**Proposal:**

Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period

comment

1814

comment by: KLM

Relevant Text: The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

(1) 33% for commercial air transport operations (aeroplanes)

**Comment:**

The wording is different from Subpart Q of EU-OPS. Suggest to stick to the EU-OPS wording to avoid any misunderstanding

**Proposal:**

Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period

comment

1962

comment by: FSC - CCOO

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

Replace: arrangements, the latest

Reason: The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

comment

2190

comment by: AUSTRIAN Airlines

**Relevant Text:**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

(1) 33% for commercial air transport operations (aeroplanes)

**Comment:**

The wording is different from Subpart Q of EU-OPS. Suggest to retain previous wording to avoid any misunderstanding.

**Proposal:**

*Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.*

comment

2302

comment by: kapers Cabin Crew Union

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

Replace: arrangements, the latest

Reason: The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

comment

2673

comment by: Deutsche Lufthansa AG

**Relevant Text:**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

(1) 33% for commercial air transport operations (aeroplanes)

**Comment:**

The wording is different from Subpart Q of EU-OPS. Suggest to retain previous wording to avoid any misunderstanding.

**Proposal:**

*Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take*

*action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.*

comment

3035

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

- (1) 33% for commercial air transport operations (aeroplanes)

**Comment:**

The wording is different from Subpart Q of EU-OPS. Suggest to retain previous wording to avoid any misunderstanding.

**Proposal:**

*Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.*

comment

3060

comment by: *UCC SLO*

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

Replace: arrangements, the latest

Reason: The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

comment

3123

comment by: *BALPA*

There are no guidelines as to how often this data will be interrogated or acted upon. For example, addressing the issue at the end of a scheduled series will be too late to react!

To avoid such situations, preventative measures would be of more use. Operators should ensure that a buffer is incorporated to reduce the possibility of small delays requiring discretion to be used. This would avoid the need for reactionary adjustments to flight schedules.

comment

3219

comment by: *DGAC*

The terms "commercial charter" and "taxi operators need to be defined somewhere, moreover if those operations are commercial, they are CAT.

comment

3220

comment by: *DGAC*

Why only 15% for "commercial charter and taxi operators" compared to 33% for CAT (aeroplanes), and 10% for all other cases ?

**Proposal :** stick to EU-OPS values

**Justification :** the operational robustness should be the same for all types of operations. There is no reason for requiring a higher operational robustness for other than CAT aeroplanes operations ?

comment

3297

comment by: *cfdt france*

**AMC OR.OPS.015.FTL(I) Operator responsibilities**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

**Replace:** arrangements, the latest

**Reason: The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements**

comment

3326

comment by: *cfdt france*

**AMC OR.OPS.015.FTL(I) Operator responsibilities**

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

**THE CFDT France demands Replacement of "arrangements", the latest schedule**

*Reason:* The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

comment

3413

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The content of this AMC has no sense. First of all, speaking about "seasonal period" is not enough precise, are we speaking about IATA seasons or calendar seasons ?

**Proposal**

"scheduled seasonal period" should be defined in to the "definitions part" requested so our undertsanding could be more precise.

**Justification**

obvious

comment

3415

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

**Comment**

The second concern is about the choice of splitting sectors about percentage values that has strictly no jutsification .

**Proposal**

The same value (33%) must apply to all sectors.

**Justification**

If this AMC is not modified it could lead to unfair treatment between different kinds of operators.

comment

3665

comment by: AIR FRANCE

Relevant Text:

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

- (1) 33% for commercial air transport operations (aeroplanes)
- (2) 15% for commercial charter and taxi operators; or
- (3) 10 % in all other cases.

Comment:

The wording is different from Subpart Q of EU-OPS. Suggest to retain previous wording to avoid any misunderstanding.

Proposal:

Planned schedules must allow for flights to be completed within the maximum permitted flight duty period. To assist in achieving this operators will take action to change a schedule or crewing arrangements at the latest where the actual operation exceeds the maximum FDP on more than 33% of the flights in that schedule during a scheduled seasonal period.

comment

4032

comment by: CUD

The operator should take action to change a schedule or crewing arrangements where the actual operation exceeds the maximum flight duty period, during a scheduled seasonal period, by more than:

Replace: arrangements, the latest

Reason: The AMC as proposed initially by the Agency is less restrictive than the corresponding OPS in Subpart Q EU OPS; its intention should be to correct schedule or crewing arrangements as soon as the operator realizes that a certain flight operation exceeds the maximum flight duty period in a significant number (33%) of scheduled flights and not after completing an entire season.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII - GM  
OR.OPS.025.FTL Fatigue Risk Management System (FRMS) and GM  
OR.OPS.325.FTL Fatigue Risk Management System (FRMS)**

p. 117-120

comment

680

comment by: easyjet safety

3.1 d

Comment: "Crew representatives" implies consultation should be through the appropriate union.

Proposal: delete "crew representatives" and replace with "crew members."

comment

681

comment by: easyjet safety

3.2

Comment: No mention of travelling time.

Proposal: Add: "Especial attention should be paid to the influence of travelling

time when managing fatigue risk."

comment 708 comment by: *Civil Aviation Authority of Norway*

The FRMS will in our opinion require considerable recourses to establish, and could be especially burdensome to establish for smaller operators. We find it important that the guidance material should be as specific as possible as to describe the requirements for an FRMS. If possible we would also welcome an example showing a basic FRSM, or to include a basic FRSM as a certification specification that operators could adapt.

comment 1113 comment by: *AEA*

**Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA is role is to deal with safety rather than dealing with social negotiations which are matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along other more important potential safety hazards. The AEA therefore urges EASA withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational cost for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
Delete GM.OR.OPS.325.FTL,  
Delete AMC.OR.OPS.025.FTL(b),  
Delete GM.OR.OPS.325.FTL

comment 1197 comment by: *ECA - European Cockpit Association*

Comment on GM OR.OPS.025.FTL and GM OR.OPS.325.FTL : Transfer material to AMC.

**Justification:**

This text clarifies and limits the responsibilities to certain concrete points.It should become AMC material, not GM.

comment 1199 comment by: *ECA - European Cockpit Association*

Comment on GM OR.OPS.025.FTL and GM OR.OPS.325.FTL

Clarification required :

The clause on report does not state how or to whom.

comment 1200 comment by: *Sven Freisenich*

3.2 The crew member's responsibilities:

Same comments as under OR.OPS.025.FTL

Delete "...and be a full partner in the development and implementation of the FRMS;"

Motivation: individual crew members are duly represented, see GM OR.OPS.025.FTL Fatigue Risk Management System (FRMS) and GM OR.OPS.325.FTL Fatigue Risk Management System (FRMS) 2.2 "...An FRMS should therefore be based on a partnership approach for which there is agreement between the operator, competent authority and crew member representatives."

comment 1212 comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.025.FTL and GM OR.OPS.325.FTL(6):

Add provisions for ULR operations

Justification:

There are no further rules or provisions on how to operate ULR. It should be stated that rule may be developed once ULR operations become relevant.

comment 1213 comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.325.FTL(4):

Add new provision :

4 Essential components of an FRMS

[...]

**4.3 (new): A Fatigue Management Steering Group (FMSG), established by the operator, responsible for coordinating all fatigue management activities within the organisation, and incorporating representation of all stakeholder groups, including crew member representatives.**

Justification:

See comment on OR.OPS.325.FTL.

For the proper functioning of FRMS - which are still a new concept for most airlines - an effective FMSG is a MUST. GM OR.OPS.325.FTL stipulates that a FMSG is a "basic requirement" for commercial operators. It is therefore not understandable why the Agency omitted this essential part, when listing the "essential components" under GM OR.OPS.325.FTL.

comment 1564 comment by: British Airways

Please remove complete section until ICAO have provided greater detail on requirements.

The proposal to require a Fatigue Risk Management System (FRMS) will lead to endless social tension/discussions and huge costs for the airlines whereas it does not reflect the fact that FRMS is only proposed (as draft) by ICAO for specific type of flights (i.e.. Ultra Long Range Flights - currently not operated by EU airlines) that go beyond the limits of prescriptive FTL schemes such as Subpart Q of EU-OPS. Whether or not to implement an FRMS should therefore remain an individual airline's decision to get additional flexibility for specific flights.

comment 1687 comment by: TAP Portugal

**Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are a matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along with other more important potential safety hazards. The AEA therefore urges EASA to withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational costs for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
Delete GM.OR.OPS.325.FTL,  
Delete AMC.OR.OPS.025.FTL(b),  
Delete GM.OR.OPS.325.FTL

comment 1784

comment by: Sean Butler, bmi

**Pages: 1 17, 118. 1 19 and 1 20 Section: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC. OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)**

Relevant Text: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

Comment: EASA's role is to deal with safety rather than dealing with social negotiations which are a matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one input into an airline's Safety Management System along with other more important potential safety hazards.

The advantages of FRMS are yet to be fully proved and remain in their infancy compared to decades of developing Flight Time Limitations schemes. bmi therefore urges EASA to withdraw this guidance material which has the potential to generate social problems/discussions without a fully researched safety case, while the implementation of an inappropriate and over-prescribed system could generate potentially huge organizational costs for airlines.

Proposal: Delete GM.OR.OPS.025.FTL, Delete GM.OR.OPS.325.FTL, Delete AMC.OR.OPS.025.FTL(b), Delete GM.OR.OPS.325.FTL

comment 1815

comment by: KLM

Relevant Text: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are a matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along with other more important potential safety hazards. The AEA therefore urges EASA to withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational costs for airlines.

**Proposal:** Delete GM.OR.OPS.025.FTL, Delete GM.OR.OPS.325.FTL, Delete AMC.OR.OPS.025.FTL(b), Delete GM.OR.OPS.325.FTL

comment

2191

comment by: *AUSTRIAN Airlines***Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are a matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along with other more important potential safety hazards. AUSTRIAN therefore urges EASA to withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational costs for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
Delete GM.OR.OPS.325.FTL,  
Delete AMC.OR.OPS.025.FTL(b),  
Delete GM.OR.OPS.325.FTL

comment

2675

comment by: *Deutsche Lufthansa AG***Relevant text:**

All GM and AMC related to OR.OPS.025.FTL and OR.OPS.325.FTL

**Comment:**

In line with the comments to the superior IR, all this GM and AMC are superfluous.

**Proposal:**

Delete these GM and AMC.

comment

2764 comment by: *BALPA*

We support the implementation of FRMS within the industry. However, the content of the recent ICAO working paper (and its evolutions) must be used as the authoritative document. Additionally, a FRMS needs to develop as valid scientific data becomes available.

comment

3036

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are a matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along with other more important potential safety hazards. The AEA therefore urges EASA to withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas

the implementation of those theoretical concepts would lead to huge organizational cost for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
Delete GM.OR.OPS.325.FTL,  
Delete AMC.OR.OPS.025.FTL(b),  
Delete GM.OR.OPS.325.FTL

comment

3221

comment by: DGAC

**Page 117 :**

The first paragraph leads to an open question as to which of those requirements apply or do not apply, and to what extent. Part OR does not contain (nor does Part AR) any guidance on how to address proportionate to the type, size and complexity of their operation. Operators will have a difficult time to evaluate the impact of the requirement if they cannot estimate what the requirement means.

comment

3223

comment by: DGAC

**Page 118:**

The text mentions "scientific principles and knowledge", "sound methods of data collection and analysis" and "suitable methodologies". The text does not explain what those principles and knowledge are, what "sound" or "suitable" means. This will lead to non acceptable variability in FRMS implementation as well as acceptance (part AR does not contain any indication either) DGAC is in the process of publishing an implementation guide for operators and surveillance guidance for the authority. We would be ready to share those with EASA in due time (end 2009).

comment

3503

comment by: IATA

Attachment [#42](#)

file attached

comment

3565

comment by: KLM Cityhopper

**Comment:**

EASA is role is to deal with safety rather than dealing with social negotiations which are matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along other more important potential safety hazards. The AEA therefore urges EASA withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational cost for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
Delete GM.OR.OPS.325.FTL,  
Delete AMC.OR.OPS.025.FTL(b),  
Delete GM.OR.OPS.325.FTL

comment	<p>3666 <span style="float: right;">comment by: AIR FRANCE</span></p> <p>Comments: realign the GM considering the comments on the OR.OPS.025.FTL Proposal : realign GM in consideration with the comments made on OR.OPS.025.FTL</p>
comment	<p>3848 <span style="float: right;">comment by: IACA International Air Carrier Association</span></p> <p>3.2.a. Same comments as under OR.OPS.025.FTL Delete "...and be a full partner in the development and implementation of the FRMS;" Motivation: individual crew members are duly represented, see GM OR.OPS.025.FTL Fatigue Risk Management System (FRMS) and GM OR.OPS.325.FTL Fatigue Risk Management System (FRMS) 2.2 "...An FRMS should therefore be based on a partnership approach for which there is agreement between the operator, competent authority and crew member representatives."</p>
comment	<p>3928 <span style="float: right;">comment by: Air Berlin PLC &amp; Co. Luftverkehrs KG</span></p> <p>Same comments as under OR.OPS.025.FTL</p> <p><b>Delete this overly prescriptive GM. Fatigue is being considered by the operator's SMS and does not warrant a dedicated FMSG.</b></p> <p>Furthermore, the partnership between operators and crew representatives need to be clarified. What happens should the partners not achieve an agreement ? Who will arbitrate ? Many operators have already a system in place, but are afraid that the FRMS as written might downgrade it to social negotiation.</p> <p>Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.</p> <p>The “900 hours in any 12 consecutive months” are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8: “Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows: a) at least seven local days in each calendar month, which may include any rest periods required by law; and b) at least 96 local days in each calendar year, which may include any rest periods required by law.</p> <p>The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...</p> <p>Air Berlin is highly subject to seasonal effects, e.g. peak during summer season. The “one calendar year” as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed</p>

"12 consecutive months" presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members' leave. Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the "one calendar year". The intent is already covered by 1.140 (c).

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII - AMC OR.OPS.025.FTL(b) Fatigue Risk Management System (FRMS)**

p. 120

comment

305

comment by: *ECA - European Cockpit Association*

Comment on AMC OR.OPS.025.FTL(b): Delete AMC, or transfer contents into OR.OPS.025.FTL (b).

Justification:

Such a statement is self-evident in regard to the FRMS basic supporting concepts, and already covered by OR.OPS.025.FTL (b). If not evident enough, transfer its contents into IR !

comment

1113

comment by: *AEA*

**Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA is role is to deal with safety rather than dealing with social negotiations which are matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along other more important potential safety hazards. The AEA therefore urges EASA withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational cost for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
Delete GM.OR.OPS.325.FTL,  
Delete AMC.OR.OPS.025.FTL(b),  
Delete GM.OR.OPS.325.FTL

comment

1688

comment by: *TAP Portugal*

**Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA is role is to deal with safety rather than dealing with social negotiations which are matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety

Management System along other more important potential safety hazards. The AEA therefore urges EASA withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational cost for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
Delete GM.OR.OPS.325.FTL,  
Delete AMC.OR.OPS.025.FTL(b),  
Delete GM.OR.OPS.325.FTL

comment 1784

comment by: Sean Butler, bmi

**Pages: 1 17, 1 18. 119 and 1 20 Section: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)**

Relevant Text: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

Comment: EASA's role is to deal with safety rather than dealing with social negotiations which are matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one input into an airline's Safety Management System along other more important potential safety hazards.

The advantages of FRMS are yet to be fully proved and remain in their infancy compared to decades developing Flight Time Limitations schemes. bmi therefore urges EASA withdraw this guidance material which has the potential to generate social problems/discussions without a fully researched safety case, while the implementation of an inappropriate and over prescribed system could generate potentially huge organizational cost for airlines.

Proposal: Delete GM.OR.OPS.025.FTL, Delete GM.OR.OPS.325.FTL, Delete AMC.OR.OPS.025.FTL(b), Delete GM.OR.OPS.325.FTL

comment 1816

comment by: KLM

Relevant Text: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along other more important potential safety hazards. The AEA therefore urges EASA withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational cost for airlines.

**Proposal:** Delete GM.OR.OPS.025.FTL, Delete GM.OR.OPS.325.FTL, Delete AMC.OR.OPS.025.FTL(b), Delete GM.OR.OPS.325.FTL

comment

2191 comment by: *AUSTRIAN Airlines***Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
 AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are matters for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along with other more important potential safety hazards. AUSTRIAN therefore urges EASA to withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational costs for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
 Delete GM.OR.OPS.325.FTL,  
 Delete AMC.OR.OPS.025.FTL(b),  
 Delete GM.OR.OPS.325.FTL

comment

2675 comment by: *Deutsche Lufthansa AG***Relevant text:**

All GM and AMC related to OR.OPS.025.FTL and OR.OPS.325.FTL

**Comment:**

In line with the comments to the superior IR, all this GM and AMC are superfluous.

**Proposal:**

Delete these GM and AMC.

comment

3037

comment by: *Swiss International Airlines / Bruno Pfister***Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
 AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are matters for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along with other more important potential safety hazards. The AEA therefore urges EASA to withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational costs for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,  
 Delete GM.OR.OPS.325.FTL,  
 Delete AMC.OR.OPS.025.FTL(b),  
 Delete GM.OR.OPS.325.FTL

- comment 306 comment by: ECA - European Cockpit Association  
 Comment on GM OR.OPS.325.FTL: Transfer to AMC.  
  
 Justification:  
 These concepts and provisions are based on ICAO material. Until they are completed or amended by pertinent material, they are deemed to be the sole base of support for a proper FRMS. Furthermore, it is namely stated in this material that a successful FRMS relies on the implementation of all relevant aspects rather than selective elements.
- comment 682 comment by: easyjet safety  
 1.p.  
 Comment: Textual clarification  
 Proposal: "a definition of the extent....."  
 2.a  
  
 Comment: Textual clarification  
 Proposal: Add "to FRMS" before "commitment..."
- comment 687 comment by: easyjet safety  
 2.e  
  
 Comment: Textual clarification  
 Proposal: Fatigue Management Steering Group (FMSG)
- comment 1113  comment by: AEA  
**Relevant Text:**  
 GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
 AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)  
**Comment:**  
 EASA is role is to deal with safety rather than dealing with social negotiations which are matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along other more important potential safety hazards. The AEA therefore urges EASA withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational cost for airlines.  
  
**Proposal:**  
 Delete GM.OR.OPS.025.FTL,  
 Delete GM.OR.OPS.325.FTL,  
 Delete AMC.OR.OPS.025.FTL(b),  
 Delete GM.OR.OPS.325.FTL
- comment 1201 comment by: Sven Freisenich  
**FTL Fatigue Risk Management System (FRMS)  
 (COMMERCIAL OPERATORS) (4)**

Same comments as under OR.OPS.025.FTL

Delete this overly prescriptive GM. Fatigue is being considered by the operator's SMS and does not warrant a dedicated FMSG.

Furthermore, the partnership between operators and crew representatives need to be clarified. What happens should the partners not achieve an agreement ? Who will arbitrate ? Many operators have already a system in place, but are afraid that the FRMS as written might downgrade it to social negotiation.

comment

1215

comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.325.FTL:  
Add provision as follows :

3 An operator's FRMS education and awareness training programme should include the following:

[...]

**(h) Specifically tailored training for rostering and crewing staff in assessing the fatigue risks of the patterns of work and the cumulative effects of those patterns of work on pilots fatigue levels.**

Justification:

In line with international best practice and IFALPA recommendation.

comment

1216

comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.325.FTL:

Add provision as follows :

4 Fatigue Management Steering Group.

a. Monitoring fatigue information sources **and identify trends;**

d. Proposing solutions to fatigue related issues **(e.g. roster changes, layover hotels, crew rest);**

Justification:

In line with international best practice, ICAO working paper and IFALPA recommendation.

comment

1217

comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.325.FTL:

Add provision as follows :

4 Fatigue Management Steering Group.

**k. Development of agreed processes and procedures for data collection.**

**l. Confidential dissemination and sharing of data for discussion within the group.**

Justification:

In line with international best practice, ICAO working paper and IFALPA recommendation.

comment

1218

comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.325.FTL:

Add provision as follows at the end of the paragraph 4 Fatigue Management Steering Group

Information sources for the FMSG should include the following:

a. Initiated by others:

i. Voluntary fatigue reports

ii. Monitoring of calls reporting "too fatigue" to take duty

iii. Fatigue related incident reports

iv. Internal and external audit reports

v. Periodic expert review of the FRMS

**b. Initiated by the FMSG:**

**i. Planned versus actual work ( i.e. rostered/scheduled duty versus actual duty, trip swapping, use of reserve and standby).**

**ii. Roster modeling.**

**iii. Fatigue data acquisition (e.g. questionnaires, diaries, actigraphy, performance testing).**

**iv. Objective flight data.**

**v. Audit of unplanned events (delays, diversions, captain's discretion, etc.).**

**vi. Tracking of absenteeism.**

Justification:

In line with international best practice, ICAO working paper and IFALPA recommendation.

comment

1386

comment by: SCCA/ head of health and safety

To avoid FRM to be a "commercial tool" for the company - representative from union or health and safety representative should be a natural part of the FMSG.

comment

1689

comment by: TAP Portugal

**Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are matters for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along with other more important potential safety hazards. The AEA therefore urges EASA to withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational costs for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,

Delete GM.OR.OPS.325.FTL,

Delete AMC.OR.OPS.025.FTL(b),

Delete GM.OR.OPS.325.FTL

comment 1784 

comment by: Sean Butler, bmi

**Pages: 117, 118, 119 and 120 Section: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)**

Relevant Text: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

Comment: EASA's role is to deal with safety rather than dealing with social negotiations which are matters for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one input into an airline's Safety Management System along with other more important potential safety hazards.

The advantages of FRMS are yet to be fully proved and remain in their infancy compared to decades of developing Flight Time Limitations schemes. bmi therefore urges EASA to withdraw this guidance material which has the potential to generate social problems/discussions without a fully researched safety case, while the implementation of an inappropriate and over-prescribed system could generate potentially huge organizational costs for airlines.

Proposal: Delete GM.OR.OPS.025.FTL, Delete GM.OR.OPS.325.FTL, Delete AMC.OR.OPS.025.FTL(b), Delete GM.OR.OPS.325.FTL

comment 1817

comment by: KLM

Relevant Text: GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are matters for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along with other more important potential safety hazards. The AEA therefore urges EASA to withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational costs for airlines.

**Proposal:** Delete GM.OR.OPS.025.FTL, Delete GM.OR.OPS.325.FTL, Delete AMC.OR.OPS.025.FTL(b), Delete GM.OR.OPS.325.FTL

comment 2191 

comment by: AUSTRIAN Airlines

**Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS), AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA's role is to deal with safety rather than dealing with social negotiations which are matters for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not

recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along other more important potential safety hazards. AUSTRIAN therefore urges EASA withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational cost for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,

Delete GM.OR.OPS.325.FTL,

Delete AMC.OR.OPS.025.FTL(b),

Delete GM.OR.OPS.325.FTL

comment

2201

comment by: M Wilson-NetJets

**Original text:**

See Fatigue Risk Management System

**Suggested new text:**

No suggested text:

**Comment/suggestion:**

Employees will only bring forward personal or work-related concerns that affect their fatigue level without fear of sanction if a Just culture is effectively in place without which the written policy will not be effective.

Recommendation:

Just Culture to be included as the first component of the FRMS.

comment

2202

comment by: M Wilson-NetJets

**Original text:**

See text

**Suggested text:**

No suggested text

**Comment/suggestion:**

1) Employees will only bring forward personal and work-related concerns that affect their fatigue level without fear of sanction if a Just culture is effectively in place. It is necessary to guarantee that operators do effectively have a Just Culture, which without it the written policy will not be effective.

Recommendation:

Items o) and q) should be the first basic requirements for a fatigue risk management system. This means it should stand as item a) and b) respectively.

comment

2203

comment by: M Wilson-NetJets

**Original text:**

See text

**Suggested new text:**

No suggested text

**Comment/suggestion:**

2) The FRM policy must ensure the commitment from the highest levels of the organization acting on recommendations regarding fatigue risk management

arising not just from internal audits but as well from the FMSG and from external entities.

Recommendation:

Item h) Must state as well the commitment to act in all sort of internal and external recommendations regarding fatigue risk management.

comment

2675

comment by: *Deutsche Lufthansa AG*

**Relevant text:**

All GM and AMC related to OR.OPS.025.FTL and OR.OPS.325.FTL

**Comment:**

In line with the comments to the superior IR, all this GM and AMC are superfluous.

**Proposal:**

Delete these GM and AMC.

comment

2764

comment by: *BALPA*

We support the implementation of FRMS within the industry. However, the content of the recent ICAO working paper (and it's evolutions) must be used as the authoritative document. Additionally, a FRMS needs to develop as valid scientific data becomes available.

comment

2848

comment by: *Civil Aviation Authority of Norway*

Comment to subsection 4: FMSG is a new term, which should be defined.

comment

3038

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

GM.OR.OPS.025.FTL (FRMS), GM.OR.OPS.325.FTL (FRMS),  
AMC.OR.OPS.025.FTL(b) (FRMS), GM.OR.OPS.325.FTL (FRMS)

**Comment:**

EASA is role is to deal with safety rather than dealing with social negotiations which are matter for individual airlines and their trade unions. The prescriptive guidance material is based on a purely theoretical concept which does not recognize the fact that fatigue is only one (minor) input into an airline's Safety Management System along other more important potential safety hazards. The AEA therefore urges EASA withdraw this ill-conceived guidance material which will lead to social problems/discussions which will not improve safety whereas the implementation of those theoretical concepts would lead to huge organizational cost for airlines.

**Proposal:**

Delete GM.OR.OPS.025.FTL,

Delete GM.OR.OPS.325.FTL,

Delete AMC.OR.OPS.025.FTL(b),

Delete GM.OR.OPS.325.FTL

comment

3228

comment by: *DGAC*

GM OR.OPS.325.FTL and AMC OR.OPS.330.FTL(c) should be placed after GM OR.OPS. 055 FTL

comment

3849

comment by: *IACA International Air Carrier Association*

4.  
Same comments as under OR.OPS.025.FTL

Delete this overly prescriptive GM. Fatigue is being considered by the operator's SMS and does not warrant a dedicated FMSG.

Furthermore, the partnership between operators and crew representatives need to be clarified. What happens should the partners not achieve an agreement ? Who will arbitrate ? Many operators have already a system in place, but are afraid that the FRMS as written might downgrade it to social negotiation.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII - AMC OR.OPS.330.FTL(c) Flight time specification schemes for commercial operators**

p. 122

comment 386 comment by: *Condor Flugdienst GmbH - FRA HO/R*

We, Condor Flugdienst GmbH, cannot properly comment to proposed ICAO FRMS document, as this will only be adopted late this year.

comment 404 comment by: *Ryanair*

**AMC OR.OPS.330.FTL (c)(6) - Flight Time Specification Schemes**

**Comment**

There is no basis in safety for discussing scientifically proven FTL Schemes with scheduling managers, crew member representatives, etc who do not possess the technical expertise to assess same. This is not an essential safety requirement. This is an industrial relations matter.

**Proposal**

(b) DELETE

comment 688 comment by: *easyjet safety*

Comment: The Flight Time Specification Scheme is a safety document and does not require consultation with affected groups as this is an industrial and contractual process .The need for effective review and oversight is recognised but should be in the context of the operator's FRMS. .

Proposal: Approval of an individual flight time specification scheme by the competent authority will take into account the the scope and capability of an operators FRMS. Additional prescriptive regulation may be required in relation to the maturity, robustness and functionality of an operator's FRMS."

comment 709 comment by: *Civil Aviation Authority of Norway*

It seems to some extent unclear what is meant by ".a hazard analysis and risk management log". It should therefore be added a better description of what is intended.

- comment 1219 comment by: *ECA - European Cockpit Association*  
 Comment on AMC OR.OPS.330.FTL(c):  
 (b) The details regarding consultation with the affected **groups stakeholders** should describe the consultation with scheduling managers, crew member representatives, etc., as applicable. **Crew member representatives' observations on the individual scheme shall be documented in detail, including contact details of the relevant representatives.**  
 Justification:  
 See comment on OR.OPS.330.FTL (c) (6)
- comment 1604 comment by: *British Airways*  
 This appears to be a very complicated process to justify to the competent authority why an operator requires a Flight Time Specification scheme.  
 Why does it require the details of "consultation" with affected groups especially "crew member representatives", surely its for the operator to agree a scheme with their competent authority.
- comment 1756 comment by: *Jill Pelan*  
**AMC OR.OPS.330.FTL(c) Flight time specification schemes for commercial operators**  
 (b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.  
**THE CFDT France asks to Replace by "crew member representatives and how these are elected"**  
 Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.
- comment 1860 comment by: *fédération des transports CGT, membre de ETF*  
 CGT member of ETF  
**AMC OR.OPS.330.FTL(c) Flight time specification schemes for commercial operators**  
 (b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.  
Replace: crew member representatives and how these are elected  
 Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member

representatives chosen by the management is questionable if not worthless

comment 1878 comment by: Gordana BOBERIC

(b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.

Replace: crew member representatives and how these are elected

Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.

comment 1963 comment by: FSC - CCOO

(b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.

Replace: crew member representatives and how these are elected

Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.

comment 2303 comment by: kapers Cabin Crew Union

(b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.

Replace: crew member representatives and how these are elected

Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.

comment 2990 comment by: Gregor Rozina

(b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.

Replace: crew member representatives and how these are elected

Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.

- comment 3061 comment by: UCC SLO
- (b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.
- Replace: crew member representatives and how these are elected
- Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.
- 
- comment 3228  comment by: DGAC
- GM OR.OPS.325.FTL and AMC OR.OPS.330.FTL(c) should be placed after GM OR.OPS. 055 FTL
- 
- comment 3298 comment by: cfdt france
- AMC OR.OPS.330.FTL(c) Flight time specification schemes for commercial operators**
- (b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.
- Replace: "crew member representatives and how these are elected"**
- Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.**
- 
- comment 3299 comment by: cfdt france
- AMC OR.OPS.330.FTL(c) Flight time specification schemes for commercial operators**
- (b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.
- Replace: "crew member representatives and how these are elected"**
- Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.**
- 
- comment 3328 comment by: cfdt france
- AMC OR.OPS.330.FTL(c) Flight time specification schemes for commercial operators**
- (b) The details regarding consultation with the affected groups should describe

the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.

**THE CFDT France asks to Replace by "crew member representatives and how these are elected"**

Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.

comment

4035

comment by: CUD

(b) The details regarding consultation with the affected groups should describe the consultation with scheduling managers, ~~crew member representatives~~, etc., as applicable.

Replace: crew member representatives and how these are elected

Reason: It is of paramount importance when evaluating the results of consultation to include how the crew member representatives have been elected. Many airlines do not have elected, organized crew member representatives and the value of a consultation to crew member representatives chosen by the management is questionable if not worthless.

comment

4086

comment by: Tyrolean Airways

**AMC OR.OPS.330.FTL(c) Flight time specification schemes for commercial operators**

**INDIVIDUAL FLIGHT TIME SPECIFICATION SCHEME**

(a) "...hazard analysis and risk management log, if appropriate for the type, size and complexity of the operations and the flight time limitations scheme.)  
à there is no clear definition for us, what that means !!!!

(b) The details regarding consultation with the affected groups should describe the

consultation with scheduling managers, crew member representatives, etc., as applicable.

à As previously remarked: what does consultation mean exactly???

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII - AMC OR.OPS.040.FTL Flight times and duty periods**

p. 122

comment

1206

comment by: Sven Freisenich

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.

The “900 hours in any 12 consecutive months” are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:

“Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

a) at least seven local days in each calendar month, which may include any rest periods required by law; and

b) at least 96 local days in each calendar year, which may include any rest periods required by law.

The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

LTU is highly subject to seasonal effects, e.g. peak during summer season. The "one calendar year" as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed "12 consecutive months" presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members' leave.

Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the "one calendar year". The intent is already covered by 1.140 (c).

comment 1757

comment by: Jill Pelan

#### **AMC OR.OPS.040.FTL Flight times and duty periods**

(a) The total duty periods and total flight times referred to in OR.OPS.040.FTL (a) and (b) should be spread as evenly as practicable throughout their respective periods.

(b) In addition to the time periods specified in OR.OPS.040.FTL, operators may include additional limitations, such as duty hours in any 14 consecutive days, if considered useful for fatigue mitigation.

#### **THE CFDT France asks for**

Replaceby: (a) possible

Reason: The word "practicable" leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

#### **Comment: (b) This provision should be in IR or at least in CS.**

Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours.

comment 1861

comment by: *fédération des transports CGT, membre de ETF*

CGT member of ETF

#### **AMC OR.OPS.040.FTL Flight times and duty periods**

(a) The total duty periods and total flight times referred to in OR.OPS.040.FTL (a) and (b) should be spread as evenly as practicable throughout their respective periods.

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**Replace:** (a) possible

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Comment: (b) This provision should be in IR or at least in CS.

Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours.

comment

1879

comment by: Gordana BOBERIC

(a) The total duty periods and total flight times referred to in OR.OPS.040.FTL (a) and (b) should be spread as evenly as practicable throughout their respective periods.

(b) In addition to the time periods specified in OR.OPS.040.FTL, operators may include additional limitations, such as duty hours in any 14 consecutive days, if considered useful for fatigue mitigation.

**Replace:** (a) possible

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Comment: (b) This provision should be in IR or at least in CS.

Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours

comment

1964

comment by: FSC - CCOO

(a) and (b) should be spread as evenly as practicable throughout their respective periods.

**Replace:** (a) possible

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

comment	<p>1965 <span style="float: right;">comment by: FSC - CCOO</span></p> <p>Comment: (b) This provision should be in IR or at least in CS.</p> <p>Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours.</p>
comment	<p>2304 <span style="float: right;">comment by: kapers Cabin Crew Union</span></p> <p>(a) The total duty periods and total flight times referred to in OR.OPS.040.FTL (a) and (b) should be spread as evenly as practicable throughout their respective periods.</p> <p>(b) In addition to the time periods specified in OR.OPS.040.FTL, operators may include additional limitations, such as duty hours in any 14 consecutive days, if considered useful for fatigue mitigation.</p> <p>Replace: (a) possible</p> <p>Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything <b>possible</b> within their operational limits to comply with this.</p> <p>Comment: (b) This provision should be in IR or at least in CS.</p> <p>Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours.</p>
comment	<p>2996 <span style="float: right;">comment by: Gregor Rozina</span></p> <p>(a) The total duty periods and total flight times referred to in OR.OPS.040.FTL (a) and (b) should be spread as evenly as practicable throughout their respective periods.</p> <p>(b) In addition to the time periods specified in OR.OPS.040.FTL, operators may include additional limitations, such as duty hours in any 14 consecutive days, if considered useful for fatigue mitigation.</p> <p>Replace: (a) possible</p> <p>Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything <b>possible</b> within their operational limits to comply with this.</p> <p>Comment: (b) This provision should be in IR or at least in CS.</p> <p>Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours</p>
comment	<p>3062 <span style="float: right;">comment by: UCC SLO</span></p> <p>(a) The total duty periods and total flight times referred to in OR.OPS.040.FTL</p>

(a) and (b) should be spread as evenly as practicable throughout their respective periods.

(b) In addition to the time periods specified in OR.OPS.040.FTL, operators may include additional limitations, such as duty hours in any 14 consecutive days, if considered useful for fatigue mitigation.

Replace: (a) possible

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

Comment: (b) This provision should be in IR or at least in CS.

Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours.

comment

3130

comment by: BALPA

Section (a) - Again, please define "...spread as evenly as practicable..."

Section (b) - This paragraph is too weak. The Moebus report indicates that a 14-day duty hour limit should be set - we concur with this view.

comment

3329

comment by: cfdt france

#### **AMC OR.OPS.040.FTL Flight times and duty periods**

(a) The total duty periods and total flight times referred to in OR.OPS.040.FTL (a) and (b) should be spread as evenly as practicable throughout their respective periods.

(b) In addition to the time periods specified in OR.OPS.040.FTL, operators may include additional limitations, such as duty hours in any 14 consecutive days, if considered useful for fatigue mitigation.

#### **THE CFDT France asks for**

Replace by: (a) possible

Reason: The word "practicable" leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

#### **Comment: (b) This provision should be in IR or at least in CS.**

Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours.

comment

3855

comment by: IACA International Air Carrier Association

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.

The “900 hours in any 12 consecutive months” are not specified by ICAO and is

more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:  
 "Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:  
 a) at least seven local days in each calendar month, which may include any rest periods required by law; and  
 b) at least 96 local days in each calendar year, which may include any rest periods required by law.

The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

IACA carriers are highly subject to seasonal effects, e.g. peak during summer season. The "one calendar year" as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed "12 consecutive months" presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members' leave. Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the "one calendar year". The intent is already covered by 1.140 (c).

comment

4037

comment by: CUD

(a) and (b) should be spread as evenly as ~~practicable~~ throughout their respective periods.

Replace: (a) possible

Reason: The word practicable leads to the conclusion that this only should be done where no additional cost is generated. The present OPS is intended to avoid cumulative fatigue and increase flight safety. Operators should be encouraged to do everything **possible** within their operational limits to comply with this.

comment

4038

comment by: CUD

Comment: (b) This provision should be in IR or at least in CS.

Reason: The Agency should reflect scientific and technical knowledge in CS (BR 216/2008 Art. 19, 2.); without the additional limitation three consecutive 60 hour weeks would be allowed entering in contradiction with the requirement to spread out duty hours.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII - AMC  
 OR.OPS.040.FTL Flight times and duty periods**

p. 122

comment

1220

comment by: ECA - European Cockpit Association

Comment on AMC OR.OPS.040.FTL(a):

This text is duplicated in both OR.OPS.040.FTL (a) and (b) without the word "should" in case (b) is not deleted (see comment 1221).

Justification:

The intention of the rule "as evenly as practicable" must be specified.

According to Directive 2003/88/EC Article 6 the maximum number of working hours per week is 48 for a normal worker. The Working time Directive (Directive 2000/79/EC) sets a maximum annual working time of 2000 hours "... spread as evenly as practicable." This means that the "standard" working week should not exceed 42h. Therefore, exceeding the 42 hours should be exceptional and duly justified and shall never pass the 48 hour limit. Additionally a 14 day limit could be introduced.

comment

1221

comment by: ECA - European Cockpit Association

Comment on AMC OR.OPS.040.FTL(b): this paragraph should be deleted (see comment 1111). In case it is maintained, change as follows:

(b) In addition to the time periods specified in OR.OPS.040.FTL, operators may include additional limitations, ~~such as duty hours in any 1-4 consecutive days,~~ if considered useful for fatigue mitigation.

Justification:

See comment on OR.OPS.040.FTL: due to the recommendation of the scientific evaluation an additional limit per 14 consecutive days is incorporated in OR.OPS.040.FTL Flight times and duty periods (a)

comment

1439

comment by: UK CAA

**Page No:** 122

**Paragraph No:** GM OR.OPS.040.FTL

**Comment:** The reference to the Working Time Directive is supported, but it is felt that the reference to "days free of all duty" (Clause 9) should be included here as "days free of duty" as defined in OR.OPS.010.FTL (j).

**Justification:** Consistency and for cumulative fatigue mitigation that these "days off" provide and that is not covered elsewhere in the EASA regulation. It will have the effect, in purely EASA guidance, of highlighting an important element of the Directive.

**Proposed Text (if applicable):**

Add final sentence:

"Days free of all duty and standby in clause 9 of the Directive should conform to the definition in OR.OPS.010.FTL (j)."

comment

3857

comment by: IACA International Air Carrier Association

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.

The “900 hours in any 12 consecutive months” are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:

“Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

- a) at least seven local days in each calendar month, which may include any rest periods required by law; and
- b) at least 96 local days in each calendar year, which may include any rest periods required by law.

The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

IACA carriers are highly subject to seasonal effects, e.g. peak during summer season. The “one calendar year” as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed “12 consecutive months” presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members’ leave. Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the “one calendar year”. The intent is already covered by 1.140 (c).

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section VIII - GM  
OR.OPS.055.FTL Rest periods**

p. 122

comment 403

comment by: *Ryanair*

**GM.OR.OPS.055.FTL – Rest Periods**

**Comment**

There does not appear to be a corresponding Implementing Rule.

**Proposal**

Due to the importance of this statement in the context of crew responsibilities we propose that this becomes **OR.OPS.055.FTL**

comment 710

comment by: *Civil Aviation Authority of Norway*

The reference must an error, as OR.OPS.055.FTL does not exist.

comment 1208

comment by: *Sven Freisenich*

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.

The "900 hours in any 12 consecutive months" are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:

"Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

- a) at least seven local days in each calendar month, which may include any rest periods required by law; and
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The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

LTU is highly subject to seasonal effects, e.g. peak during summer season. The "one calendar year" as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed "12 consecutive months" presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members' leave.

Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the "one calendar year". The intent is already covered by 1.140 (c).

comment

1222

comment by: ECA - European Cockpit Association

Comment on GM OR.OPS.055.FTL:

This text can be removed or reduced to a reference as a more detailed text is found in GM OR.OPS.025.FTL and GM OR.OPS.325.FTL (3.2.) (b).

Justification:

Questions raised and answers given by Moebus Study:

Question 11

What provisions are needed for extend FDP operations with augmented crew and/or time zone crossings? (ref EU OPS 1.1115 para 1.1)

Question 12 quality of rest regarding rest location/ rest facilities for flight crew and cabin crew (ref EU OPS 1.1115 para 1.1 and 1.2)

setting additional restrictions related to augmented crew in respect to the maximum FDP with augmented crew i.e. taking into account quality of the bunk facilities and the effect of crew acclimatization (e.g. FDP may be extended by a period equal to three-quarters of the total rest taken, if in-flight relief and adequate bunk facilities are provided; or equal to half of the total

rest taken if the aircrew is not acclimatized).

To sum up, ECA recommends not to allow extensions of the FDP in case of rest in economy class seats.

comment

3207

comment by: *BALPA*

Within the FTL sections of the NPA, there is no data concerning split-duties. Is this the Agencies intention, or has it been accidentally overlooked?

comment

3231

comment by: *DGAC*

There is no § OR.OPS.055.FTL

*(See also comment 3164)*

comment

3425

comment by: *ECA - European Cockpit Association*

ECA requests for clarification:

This is a GM to OR.OPS.055.FTL, but the rule OR.OPS.055.FTL is missing. See other ECA related comments.

comment

3930

comment by: *Air Berlin PLC & Co. Luftverkehrs KG*

Replace „any 12 consecutive calendar months“ by „one calendar year“ i.a.w. Subpart Q of EU-OPS Q.

The “900 hours in any 12 consecutive months” are not specified by ICAO and is more restrictive than the EU Working Time Directive EC 2000/79 Clause 8:

“Without prejudice to Clause 3, mobile staff in civil aviation shall be given days free of all duty and standby, which are notified in advance, as follows:

- a) at least seven local days in each calendar month, which may include any rest periods required by law; and
- b) at least 96 local days in each calendar year, which may include any rest periods required by law.

The Working Time Directive regulates the 4 weeks holidays on a yearly basis, not on any 12 consecutive months. Hence, it is possible to have two times 4 weeks in 12 consecutive months, where it would not be appropriate to fly 900 hours. Otherwise, one could have no holidays and should be allowed to fly more than 900 hours in these 12 consecutive months. Changing from calendar year to 12 consecutive months implies a complete change of all systems...

Air Berlin is highly subject to seasonal effects, e.g. peak during summer season. The “one calendar year” as in EU-OPS and Working Time Directive (Council Directive 2000/79/EC) reduces the problem to a one-time exercise at the end of the calendar year, i.e. in the winter low season. The EASA proposed “12 consecutive months” presents however an unnecessary continuing exercise, also during the summer peak, without any safety benefit and which will lead to reduced flexibility in particular when planning crew members’ leave. Note that this summer peak is not driven by the operator, but by the market itself, e.g. hard working families and tax payers going on well deserved summer holidays.

Finally, Certification Specification CS FTL.1.140 (a) and (b)(1) will avoid any intended abuse of the “one calendar year”. The intent is already covered by

1.140 (c).

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IX**

p. 123

comment 324

comment by: ECA - European Cockpit Association

The whole section on security should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008. If, however it is decided to keep this section within OPS, ECA recommends to change the text (see comments below).

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IX - GM  
OR.OPS.020.SEC Disruptive Passenger Behaviour**

p. 123-132

comment 131

comment by: Air Southwest

At present the directive from the UK DfT concerning disruptive passengers is vague. The inclusion of GM.OR.OPS.020.SEC is welcomed, if only to show that somebody has thought about this. However, the requirement at OR.OPS.020.SEC placing the responsibility on the Operator to establish the procedures and applicable training without specific instructions or criteria is again vague. Is it intended that EASA will develop AMC for disruptive passenger programmes (thereby assuming some of the responsibilities of the applicable state authority) or will the EC direct the Member States to specify the content of the programme and associated training?

comment 325

comment by: ECA - European Cockpit Association

The whole paragraph should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 324). If, however it is decided to keep this section within OPS, the following changes are needed:

This guidance material is provided with regard to the transportation of passengers by commercial air transport operators where appropriate to the size and type of operation. Operators engaged in non-commercial transportation of passengers with complex motor-powered aircraft may also find this guidance material useful. To address the effects of unruly passengers on flight safety, operators should manage and reduce the instances of disruptive passenger behaviour by means of:

- a policy and detailed procedures on the handling of disruptive passengers;
- restraining devices on board the aircraft;
- clearly stated responsibilities of the crew members;
- a warning and reporting system (documents to be on board the aircraft);
- a **defined** communication system between the ground staff and crew members;
- a training programme consisting of initial and recurrent training; and
- a process for the review of disruptive passenger incidents.

**1 Disruptive Passenger Policy**

The operator should establish a policy and procedures on the handling of disruptive passengers which should be supported by the executive management of the operator. The operator should designate a **person or**

**department focal point** responsible for the handling of disruptive passenger incidents. The disruptive passenger policy should be communicated to all staff members that come in contact with passengers, both on the ground and in the air.

Justification:

The proposed text better defines responsibilities.

1.1 The disruptive passenger policy should include ~~information, such as:~~  
~~a. the designated focal point;~~  
~~b. a transparent mechanism to ensure that incidents are well documented;~~

~~a. c.~~ **an transparent** incident reporting system as well as incident management process;

~~b. d.~~ the **documentation recording** of the number and types of incidents occurring over a set period of time;

~~e. the circumstances when actions should be taken; and~~

~~f. the definition and communication of actions to be taken.~~

1.2 The disruptive passenger policy should include provisions:

a. to empower crew members and ground staff to take reasonable steps to prevent disruptive and unruly behaviour and, where it occurs, to deal with it as effectively as practicable;

b. to support crew members and ground staff taking such action;

c. to provide appropriate training to crew members and ground staff in dealing with conflict and its aftermath;

d. to encourage ground staff to detect and report disruptive behaviour at check-in, in the lounges and at the boarding gate in order to prevent such passengers from boarding;

e. to keep crew members and ground staff aware of ~~potentially~~ disruptive passengers; and

f. to pay particular attention to **and have permanent procedures in place to monitor or travel by large** groups of travellers **and have permanent procedures in place to monitor sporting teams' travel**. **Special attention should be paid to groups that are known as disruptive, such as travel to and from sporting and pre-wedding events.**

[...]

### 3 Prevention of disruptive passenger behaviour

Disruptive passenger behaviour is primarily a safety issue. The operator should focus on measures regarding the prevention of ~~(escalated)~~ **all** disruptive passenger behaviour. Dealing firmly and legally with disruptive behaviour may serve as a deterrent, however, in many disruptive incidents, passengers behave irrationally and will not calculate the consequences of their behaviour. The study of disruptive behaviour shows that often a series of events build up to the disruptive behaviour and early signs of potential disruptive behaviour can be observed. The focus of an operator's policy should be first on prevention by acting on these early signs, rather than dealing exclusively with the escalated incident. Research further indicates that many incidents (and those which tend to be particularly violent) are related to excessive alcohol consumption, as well as to nicotine withdrawal symptoms of smokers. The operator should take a responsible approach with regards to the serving of alcohol on board, and should provide alternatives (such as nicotine gum) for smokers.

[...]

### 6.1 Location of restraint devices

When passenger restraints are carried on an aircraft they should be kept in a secure location ~~such as~~ **anywhere other than** the cockpit and only used ~~with the express prior consent of~~ **in consultation with** the pilot in command when all the circumstances of the incident are evaluated. ~~Consideration may need to be taken into account when locked cockpit door policies are in place.~~ The pilot in command should communicate his/her decisions to the ~~operations department~~ **appropriate ground agency** as soon as possible so that suitable arrangements are made when the aircraft lands.

[...]

### 7.1 Staff empowerment

Ground support and passenger services staff **are** often ~~is~~ the first to notice a potentially disruptive passenger. Their procedures and training should ensure that minor complaints do not escalate into major incidents. On those occasions when tact, reassurance and interpersonal skills fail to resolve an incident, it is vital that staff members have guidance identifying and handling these behaviours. This is also true for crew members. All staff members in direct contact with passengers must have a mandate from the operator to implement the appropriate procedures to protect themselves and other passengers.

[...]

### 7.3 Relief programmes

When an incident occurs, there can be lasting effects on the staff involved. Relief programmes for victims of disruptive passenger behaviour aim at recovery from those incidents. A distinction can be made between a serious incident (e.g. a physical altercation, being threatened with a knife) and less serious incidents (e.g. verbal abuse). The seriousness of the incident depends on how it was experienced by the victim. Usually serious incidents will be recognised by colleagues and brought to the attention of **management appropriate instances**. Professional counselling should be **considered offered**. Less serious incidents cause less stress and emotional trauma to the victim, and therefore professional counselling may not be called for, and may even be counterproductive in this type of instance. However, if verbal abuse occurs frequently, the normal recovery time will likely be disturbed by these new incidents. There will be a build-up of stress, and recovery time is called for to prevent an extended period of illness. This recovery may take the form of group discussions with colleagues in addition to professional guidance.

Justification:

Management is not the right place: medical or health agencies are.

## ~~8 Persons Travelling under Special Status~~ **Deportees, inadmissible persons and those in lawful custody**

~~8.1 The policies and procedures for the handling of disruptive passengers should give consideration to persons of potentially disruptive passenger behaviour travelling under special status, such as~~ **Policies and procedures should be in place for** deportees, inadmissible persons and ~~persons those~~ **persons those** in lawful custody ~~which who~~ **which who** are obliged to travel due to judicial or administrative proceedings.

8.2 Tickets and other travel documents including baggage identification tag(s), health certificates, etc. of ~~persons travelling under special status these persons~~ **persons** should be carried ~~by the PIC in the charge of a crew member~~

**until disembarkation.**

comment

326

comment by: ECA - European Cockpit Association

Comment on appendix 1 to GM OR.OPS.020.SEC, page 129: this section should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 324). If, however it is decided to keep this section within OPS, the following changes are needed:

~~**INFORM OPERATIONS**~~ (.....)

Justification:

It should go to the appropriate instance, operations or other.

LEVEL II (following Level I Verbal Warning)

Passenger Information

Name Seat Number

Nationality Passport (country and number)

Address

Description of Incident

Name of Pilot in Command Employee Number

~~**Phone Signature**~~

LEVEL III

Witness Information (Witness can be another crewmember)

Name Seat Phone

Address

Name Seat Phone

Address

Pilot in Command (involved) Name Employee Number

~~**Phone Signature**~~

Justification:

Not needed.

Your behaviour may be in violation with the law.

Your immediate cooperation is required if you wish to avoid prosecution and removal from this aircraft at the next point of arrival.

The law and international aviation regulations prohibit e.g. the following:

- \* Smoking in the lavatory or smoking while the no smoking light is on;
- \* Interference with a crewmember or creating an alcohol related disturbance;
- \* Drinking any alcoholic beverage unless served by a crew member;

If you do not refrain from these activities, you **will-may** be prosecuted.

Aviation Law provides for civil monetary fines and in some cases, imprisonment.

Justification:

It is not up to the PIC or the airline to decide.

comment

327

comment by: ECA - European Cockpit Association

Comment on appendix 2 to GM OR.OPS.020.SEC, page 130: this section should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 324). If, however it is decided to keep this section within OPS, the following changes are needed:

2 VIOLATION UNACCEPTABLE BEHAVIOUR ON BOARD AN AIRCRAFT  
 You have already been told by the crew members that your behaviour on board this aircraft is unacceptable ~~and may have been in violation of applicable law.~~

Justification:  
 Not necessarily

Comment on the following (in bold) sentence:

With immediate effect:

1. You must not drink any alcohol
2. You must hand all alcohol in your possession to a crew member (it will be returned to you when you leave this aircraft)
- 3. You must not behave in a manner likely to:**
  - **endanger the safety of the aircraft**
  - **cause concern to the crew or other passengers.**
4. You must comply with the crew's instructions.

Comment:

Not definable action, can create discrimination and is hardly policeable.

VIOLATION

If you fail to comply, the pilot in command may decide to land the aircraft at the nearest available location and off load you; you ~~may will~~ be liable for the diversion costs and your ticket ~~will could~~ be invalidated for further carriage.

3 SAMPLE — FINAL WARNING

Your behaviour appears to be in violation of [Country] law. If you ~~fail to control your actions continue with this behaviour~~, police authorities will be notified and requested to meet this flight.

This is a warning that [Country] law prohibits the following:

1. Assaults, threats, intimidation or interference with a crew member in performance of ~~their the crew member's~~ duties ~~onboard an aircraft being operated.~~
2. Disruptive behaviour ~~due to alcohol consumption.~~
- ~~3. Alcohol related disturbance created by passenger~~
- ~~4. Consumption of alcoholic beverages unless served by a crew member~~
- ~~5. Alcohol service to passengers who appears to be intoxicated~~

~~3. 6.~~ Failure to follow instructions given by a crew member regarding compliance with passenger safety regulation such as the following:

- no smoking in lavatories at any time
- no smoking when "NO SMOKING" sign is illuminated
- tampering with, disabling or destroying smoke detector installed in any airplane lavatory
- requirement to keep seat belt fastened while the "FASTEN SEAT BELT" sign is on
- operation of an electronic device when prohibited.

If you fail to comply, the pilot in command may decide to land the aircraft at the nearest available ~~location airport~~ and off load you; you ~~will may~~ be liable for the diversion costs and your ticket ~~will could~~ be invalidated for further carriage.

On arrival detail of your conduct will also be reported to the police ~~for possible~~ ~~who may commence~~ prosecution ~~proceedings~~.

This notice is given by the pilot in command of the aircraft.

- comment 328 comment by: ECA - European Cockpit Association
- Comment on appendix 3 to GM OR.OPS.020.SEC, page 132: this section should be deleted. ECA believes the provisions of the security section should be deleted as they overlap with Regulation 300/2008 (see comment n° 324). This should be part of security training in total. To be covered by Regulation 300/2008.
- comment 621 comment by: *claire.amos*
- clarification required: Is the intention that restraining devices become mandatory equipment to be carried onboard? This is assumed that not all these requirements are mandatory
- comment 907 comment by: *claire.amos*
- Your behaviour may be in violation **with** the law.  
Incorrect English - replace "with" with "of"
- \* Drinking any alcoholic beverage unless served by a crew member;**  
It may be good practice to prohibit this but I don't think that this is unlawful to drink your own alcohol.
- comment 910 comment by: *claire.amos*
- Disruptive Passenger** -  
Heading should be changed to " Unruly Passenger". This is the recognised phrase and reflect the text.
- comment 911 comment by: *claire.amos*
- Training should be outcome driven not time dependant. Delete the durations. ie:
- Initial Training: 1 day (8 hours)**  
**Annual Recurrent Training: 1/2 day (4 hours)**
- comment 1059 comment by: AEA
- Relevant Text:**  
Appendix 3  
**Comment:**  
As the revision of the implementing legislation of EU Regulation 300/2008 has not been even finished yet and is therefore absolutely up-to-date we strongly argue that EASA OPS must not - if at all - address security topics in a different way than it has already been finalised in regulation 300/2008 and the implementing legislation. For example EASA OPS contains requirements for security programmes of airlines, security training and even for aircraft checks that differ and are not in line with EU Regulation 300/2008 and its implementing legislation. If EASA OPS would also regulate a security and training programme it should then be clearly stated which authority is responsible for the "certification process" (EASA, national authorities, etc?). Furthermore EASA OPS has no distinction between training for crew members and ground staff - in contrast to regulation 300/2008 and its implementing legislation which refer to dedicated groups of persons (persons implementing

security controls, persons implementing access control, persons implementing baggage reconciliation, etc.). Besides "ground staff" is per se not definable: only ground staff which deals with flights from an operational perspective?  
The amount of annual recurrent training is overdone

**Proposal:**

We should strongly argue for a "harmonisation" of both text meaning that EASA OPS should not regulate security issues or at least regulate them in the same way than EU regulation 300/2008 and its implementing legislation do. Like concerning chapter 10 on in-flight security the European Commission and EASA should clearly define their responsibilities to protect the aviation industry from different requirements and a security regime which is not consistent at all.

comment

1164

comment by: *Welcome Air*

- Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage. This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN)

comment

1166

comment by: *Welcome Air*

**GM OR.OP S.020.SEC Disruptive Passenger behaviour Para3.1(b) The operator should 'Minimize passenger frustration that occurs over long waiting times, the flight being overbooked, lack of information, technical deficiencies, etc'**

- This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers.

**GM OR.OPS.020.SEC Disruptive Passenger behaviour Para3.1(d) – The operator should 'maintain accurate and updated reports and statistics of disruptive passenger incidents so as to continually monitor the types of incidents and identify potential training needs etc.'**

- This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding).
- Collecting data for the sake of collecting has no value – it is a state issue to evaluate and analyse both mandatory and non mandatory reports.

comment

1167

comment by: *Welcome Air*

**GM OR.OPS.020.SEC Disruptive Passenger behaviour Para6.1 Location of restraint devices – 'Should be kept in a secure location such as the cockpit'**

- Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated 'disruptive' behaviour in the knowledge this may open secure flight deck doors.
- No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

comment	1169	comment by: <i>Welcome Air</i>
<p><b>P.127 GM OR.OP S.020.SEC Disruptive Passenger behaviour Para 9.1 Additional Guidance material in the handling of disruptive passengers</b></p> <ul style="list-style-type: none"> <li>All references to additional Guidance material are in ICAO and ECAC Restricted documents and are not routinely available to airlines.</li> </ul>		
comment	1170	comment by: <i>Welcome Air</i>
<p><b>P.132 GM OR.OP S.020.SEC Disruptive Passenger behaviour AMC OR.OPS.025.SEC Security programme and Security training Para 1 (c) 'use of authorised protective devices'</b></p> <ul style="list-style-type: none"> <li>REMOVE – Crew should be trained in de-escalation techniques. What are 'authorised' protective devices?</li> </ul>		
comment	1171	comment by: <i>Welcome Air</i>
<p><b>P 133 OR.OPS.025.SEC Security programme and Security training Para 1 (f) 'live situational training exercises regarding various threat conditions'</b></p> <ul style="list-style-type: none"> <li>Define</li> </ul>		
comment	1398	comment by: <i>AEA</i>
<p><b>Relevant text:</b> to pay particular attention to large groups of travelers and have permanent procedures in place to monitor sporting teams' travel.  <b>Comment:</b> Why mentioning Sporting teams' travel. Has no added value to the first part of the sentence  <b>Proposed text:</b> delete the sporting team's travel part  <i>(f) to pay particular attention to large groups of travelers.</i></p>		
comment	1664	comment by: <i>The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly</i>
<p>GM OR.OPS.020.SEC Disruptive Passenger Behaviour  9.1 Additional guidance material on the handling of disruptive passengers is contained in:  c. ICAO Doc 8973 RESTRICTED – Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference;  d. ICAO Doc 9811 RESTRICTED – Manual on the Implementation of the Security Provisions of Annex 6; e. ICAO Circular 288 – Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers; and f. ECAC Doc 30 Part II RESTRICTED – ECAC Policy Statement in the Field of Civil Aviation Security. Referenced ICAO manuals are restricted. ICAO does not supply them directly to operators. Competent authorities are not willing to share them either. So these references are practically void.</p> <p><b>Comment:</b>  The Referenced ICAO manuals are restricted. ICAO does not supply them directly to operators. Competent authorities are not willing to share them either. So these references are practically void.</p> <p><b>Proposal:</b></p>		

Remove reference to these manuals/documents as they are restricted

comment

1690

comment by: TAP Portugal

**Relevant Text:**

Appendix 3

**Comment:**

As the revision of the implementing legislation of EU Regulation 300/2008 has not been even finished yet and is therefore absolutely up-to-date we strongly argue that EASA OPS must not - if at all - address security topics in a different way than it has already been finalised in regulation 300/2008 and the implementing legislation. For example EASA OPS contains requirements for security programmes of airlines, security training and even for aircraft checks that differ and are not in line with EU Regulation 300/2008 and its implementing legislation. If EASA OPS would also regulate a security and training programme it should then be clearly stated which authority is responsible for the "certification process" (EASA, national authorities, etc?). Furthermore EASA OPS has no distinction between training for crew members and ground staff - in contrast to regulation 300/2008 and its implementing legislation which refer to dedicated groups of persons (persons implementing security controls, persons implementing access control, persons implementing baggage reconciliation, etc.). Besides "ground staff" is per se not definable: only ground staff which deals with flights from an operational perspective?

The amount of annual recurrent training is overdone

**Proposal:**

We should strongly argue for a "harmonisation" of both text meaning that EASA OPS should not regulate security issues or at least regulate them in the same way than EU regulation 300/2008 and its implementing legislation do. Like concerning chapter 10 on in-flight security the European Commission and EASA should clearly define their responsibilities to protect the aviation industry from different requirements and a security regime which is not consistent at all.

comment

1691

comment by: TAP Portugal

**Relevant text:** to pay particular attention to large groups of travelers and have permanent procedures in place to monitor sporting teams' travel.

**Comment:** Why mentioning Sporting teams' travel. Has no added value to the first part of the sentence

**Proposed text:** delete the sporting team's travel part  
(f) to pay particular attention to large groups of travelers.

comment

1701

comment by: The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly

**GM.OR.OPS.020.SEC** Disruptive Passenger Behaviour

**Comment:**

Under age passenger alcohol issues are service level issues. Existing alcohol related disruptive passenger issues are relevant for all passengers, and do not need to single out one age group.

**Delete:**

1.4 a.

comment

2015

comment by: AEA

**Relevant Text:**

*3.1 Measures to maximise prevention of incidents The operator should:  
b. minimize passenger frustration that occurs over long waiting times, the flight being overbooked, lack of information, technical deficiencies, etc.;*

**Comment:**

This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers

**Proposal:**

Delete 3.1.b

comment

2016

comment by: AEA

**Relevant Text:**

GM OR.OPS.020.SEC Disruptive Passenger behaviour

**Comment:**

Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage. This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN)

EASA definitions concerning 'Potentially disruptive passengers' are not harmonised with either EU DGTREN or ECAC definitions and should be harmonised

**Proposal:**

definitions and should be harmonised with those from ECAC and EU DG TREN

comment

2017

comment by: AEA

**Relevant text:**

*3.1 Measures to maximise prevention of incidents*

*The operator should:*

*d. maintain accurate and updated reports and statistics of disruptive passenger incidents so as to continually monitor the types of incidents and identify potential training needs, etc.*

**Comment:**

This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding).

It is primarily a member state control authority issue to evaluate and analyse both mandatory and non mandatory reports.

comment

2018

comment by: AEA

**Relevant Text:**

*Location of restraint devices*

*When passenger restraints are carried on an aircraft they should be kept in a secure location such as the cockpit and only used in consultation with the pilot in command when all the circumstances of the incident are evaluated.*

*Consideration may need to be taken into account when locked cockpit door policies are in place. The pilot in command should communicate his/her decisions to the operations department as soon as possible so that suitable arrangements are made when the aircraft lands.*

**Comment:**

No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated 'disruptive' behaviour in the knowledge this may open secure flight deck doors.

comment

2019

comment by: AEA

**Relevant text:**

*Additional guidance material on the handling of disruptive passengers is contained in:*

*a. ICAO Doc 8973 RESTRICTED – Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference;*

*b. ICAO Doc 9811 RESTRICTED – Manual on the Implementation of the Security Provisions of Annex 6;*

*c. ICAO Circular 288 – Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers; and*

*d. ECAC Doc 30 Part II RESTRICTED – ECAC Policy Statement in the Field of Civil Aviation Security.*

**Comment:**

All references to additional Guidance material are in ICAO and ECAC

Restricted documents and are not routinely available to airlines. Is it intended that EASA will develop AMC for disruptive passenger programmes (thereby assuming some of the responsibilities of the applicable state authority) or will the EC direct the Member States to specify the content of the programme and associated training?

comment

2128

comment by: Elaine Allan Monarch

Page No.  
123-136

Ref No.  
NPA 2009 - 2c GM OR OPS 020 SEC

Summary of EASA Proposed Requirement:  
Section is Guidance Material for Security and Disruptive Passenger Procedures and Training

Comment:  
Does this supersede any DfT requirements.

Justification:

Proposed Text (if applicable)

comment

2192

comment by: AUSTRIAN Airlines

**Relevant Text:**

Appendix 3

**Comment:**

As the revision of the implementing legislation of EU Regulation 300/2008 has not been even finished yet and is therefore absolutely up-to-date we strongly argue that EASA OPS must not - if at all - address security topics in a different way than it has already been finalised in regulation 300/2008 and the implementing legislation. For example EASA OPS contains requirements for security programmes of airlines, security training and even for aircraft checks that differ and are not in line with EU Regulation 300/2008 and its implementing legislation. If EASA OPS would also regulate a security and training programme it should then be clearly stated which authority is responsible for the "certification process" (EASA, national authorities, etc?). Furthermore EASA OPS has no distinction between training for crew members and ground staff - in contrast to regulation 300/2008 and its implementing legislation which refer to dedicated groups of persons (persons implementing security controls, persons implementing access control, persons implementing baggage reconciliation, etc.). Besides "ground staff" is per se not definable: only ground staff which deals with flights from an operational perspective? The amount of annual recurrent training is overdone

**Proposal:**

We should strongly argue for a "harmonisation" of both text meaning that EASA OPS should not regulate security issues or at least regulate them in the same way than EU regulation 300/2008 and its implementing legislation do. Like concerning chapter 10 on in-flight security the European Commission and EASA should clearly define their responsibilities to protect the aviation industry from different requirements and a security regime which is not consistent at all.

comment

2193

comment by: *AUSTRIAN Airlines*

**Relevant text:** to pay particular attention to large groups of travelers and have permanent procedures in place to monitor sporting teams' travel.

**Comment:** Why mentioning Sporting teams' travel. Has no added value to the first part of the sentence

**Proposed text:** delete the sporting team's travel part

*(f) to pay particular attention to large groups of travelers.*

comment

2308

comment by: *Ryanair*GM OR.OPS.020.SEC

The term "potentially disruptive passenger" in the context of Regulation (EC) 300/2008 means a "passenger who is either a deportee, a person deemed to be inadmissible for immigration purposes, or a person in lawful custody". Although we cannot find any definition of the term "disruptive passenger" in Regulation 216, it is clear that the term "disruptive passenger" is used in a much wider context. This anomaly must be addressed and any confusion removed.

"Restraining devices" and "warning system" - operators have, on the basis of operational experience, invested heavily in the development of effective policy and procedures for handling disruptive passengers. These procedures may not require the use of either "restraining devices" or a "warning system" as described therefore, references to both must be removed. Nothing in these Regulations/AMCs/GM must be interpreted as mandating the use of either restraining devices or a warning system.

comment

2310

comment by: *Ryanair*

2.1 - should be amended as follows to ensure uniformity with GM OR.OPS.020.SEC, Para 1

"The operator should inform all staff members that come into contact with passengers both on the ground and in the air about the ....."

2.2 - the operator is not the only entity that is responsible for passenger communication and education. This paragraph requires amendment to include State, Airport etc responsibilities.

3 - Operators have no responsibility for providing nicotine replacement therapy to passengers - this must be removed.

3.1.b - This paragraph must be removed. It incorrectly implies that operators are responsible for/have control over flight delays/disruptions.

3.1.d - this is also an airport security and law enforcement agency responsibility. Operators may not be aware of incidents or disruptions which occur prior to boarding.

comment

2311

comment by: *Ryanair*

"...and in the worst case, restraint" must be removed. Operators have, on the basis of operational experience, invested heavily in the development of effective policy and procedures for handling disruptive passengers. These procedures may not require the use of either "restraining devices" or a "warning system" as described therefore, references to both must be removed. Nothing in these Regulations/AMCs/GM must be interpreted as mandating the use of either restraining devices or a warning system.

Mandating procedures that require the physical restraint of disruptive passengers by cabin crew members could in fact put the aircraft, crew members and passengers at greater jeopardy.

#### Paragraph 4

This section requires amendment to remove all references to a "warning system" (written or otherwise) and the use of restraining devices for the reasons specified above.

comment

2313

comment by: *Ryanair*

#### 6 - The role of the pilot in command

"Restraining devices" - operators have, on the basis of operational experience, invested heavily in the development of effective policy and procedures for handling disruptive passengers. These procedures may not require the use of "restraining devices" therefore, references must be removed. Nothing in these Regulations/AMCs/GM must be interpreted as mandating the use of restraining devices.

#### 6.1 - Location of restraint devices

Remove reference to "such as cockpit" - cockpit must remain secure (locked

door policy). Otherwise a disruptive passenger event could be exploited.

7 - Reporting of disruptive passenger incidents and required documentation for prosecution

The term 'flight disturbance incident report' is misleading and should be changed to 'disruptive passenger report'. The sample report form (Appendix 1) is too prescriptive, is based on a warning system and the use of restraints and therefore must be removed.

7.2 - Training Requirements

Security training requirements are already specified in and mandated by Regulation (EC) 300/2008, Chapter 11. Nothing in OR.OPS, Section IX shall conflict with these requirements.

comment

2314

comment by: *Ryanair*

Reference to "physical breakaway and controlling skills" in Section (h) must be removed - ground staff and crew should be trained in de-escalation techniques. Self defence type training is not appropriate.

Reference to "restraint device training" and "restrained passenger welfare" in Sections (i) and (j) should be amended as follows:

- (i) restraint device training *(if applicable)*
- (j) restrained passenger welfare *(if applicable)*

7.3 - Relief programmes

This section is over prescriptive, could be counterproductive and should be removed. Operators are responsible for developing internal procedures to take account of such situations.

8 - Persons travelling under Special Status

This would appear to relate to the Regulation (EC) 300/2008 definition of a "potentially disruptive passenger". Any anomaly and potential confusion between 300/2008 and Regulation 216 must be removed. We cannot locate the term "persons travelling under special status" in any piece of Security Legislation.

9 - Note

There is no reference to European Community Security Legislation Regulation (EC) 300/2008.

All references are to restricted ICAO and ECAC documents which are not readily accessible to all operators.

comment

2315

comment by: *Ryanair*

The term 'flight disturbance incident report' is misleading and should be changed to 'disruptive passenger report'.

The sample report form (Appendix 1) is too prescriptive, is based on a warning

system and the use of restraints and therefore must be removed.

comment

2316

comment by: *Ryanair*

Any reference to time allocation for training (e.g. 8 hours/ 1/2 day) is irrelevant, could be counterproductive and must be removed. Effective training is the goal.

"Appropriate measures to contain aggressive behaviour" - this requires further clarification - ground personnel and crew must be trained in de-escalation techniques. Self defence type training is not appropriate.

"Knowledge of measures to contain aggression" - this requires further clarification - ground personnel and crew must be trained in de-escalation techniques. Self defence type training is not appropriate.

comment

2462

comment by: *Virgin Atlantic Airways*

**Comments**

Are these guidelines likely to become a rule and if so will it supersede the national requirements for training?

**Proposed Text:**

The training programme established by a commercial operator must include the following elements if applicable;

- a) determination of the seriousness of any occurrence;
- b) crew communication and coordination;
- c) appropriate self- defence responses
- d) use of authorised protective devices;
- e) understanding of behaviour of terrorists so as to facilitate the ability of crew members to cope with hijacker behaviour and passenger responses;
- f) Live situational training exercises regarding various threat conditions;
- g) Cockpit procedures to protect the aircraft; and
- h) Aircraft search procedures and guidance on least risk bomb locations where practicable.

comment

2487

comment by: *KLM*

**Relevant Text:**

Appendix 3

**Comment:**

As the revision of the implementing legislation of EU Regulation 300/2008 has not been even finished yet and is therefore absolutely up-to-date we strongly argue that EASA OPS must not - if at all - address security topics in a different way than it has already been finalised in regulation 300/2008 and the implementing legislation. For example EASA OPS contains requirements for security programmes of airlines, security training and even for aircraft checks that differ and are not in line with EU Regulation 300/2008 and its implementing legislation. If EASA OPS would also regulate a security and training programme it should then be clearly stated which authority is responsible for the "certification process" (EASA, national authorities, etc?). Furthermore EASA OPS has no distinction between training for crew members and ground staff - in contrast to regulation 300/2008 and its implementing legislation which refer to dedicated groups of persons (persons implementing security controls, persons implementing access control, persons implementing

baggage reconciliation, etc.). Besides "ground staff" is per se not definable: only ground staff which deals with flights from an operational perspective?

The amount of annual recurrent training is overdone

**Proposal:**

We should strongly argue for a "harmonisation" of both text meaning that EASA OPS should not regulate security issues or at least regulate them in the same way than EU regulation 300/2008 and its implementing legislation do. Like concerning chapter 10 on in-flight security the European Commission and EASA should clearly define their responsibilities to protect the aviation industry from different requirements and a security regime which is not consistent at all.

comment

2488

comment by: KLM

**Relevant text:** to pay particular attention to large groups of travelers and have permanent procedures in place to monitor sporting teams' travel.

**Comment:** Why mentioning Sporting teams' travel. Has no added value to the first part of the sentence

**Proposed text:** delete the sporting team's travel part

*(f) to pay particular attention to large groups of travelers.*

comment

2676

comment by: Deutsche Lufthansa AG

**Relevant Text:**

Appendix 3

**Comment:**

As the revision of the implementing legislation of EU Regulation 300/2008 has not been even finished yet and is therefore absolutely up-to-date we strongly argue that EASA OPS must not - if at all - address security topics in a different way than it has already been finalised in regulation 300/2008 and the implementing legislation. For example EASA OPS contains requirements for security programmes of airlines, security training and even for aircraft checks that differ and are not in line with EU Regulation 300/2008 and its implementing legislation. If EASA OPS would also regulate a security and training programme it should then be clearly stated which authority is responsible for the "certification process" (EASA, national authorities, etc?). Furthermore EASA OPS has no distinction between training for crew members and ground staff - in contrast to regulation 300/2008 and its implementing legislation which refer to dedicated groups of persons (persons implementing security controls, persons implementing access control, persons implementing baggage reconciliation, etc.). Besides "ground staff" is per se not definable: only ground staff which deals with flights from an operational perspective?

The amount of annual recurrent training is overdone

**Proposal:**

We should strongly argue for a "harmonisation" of both text meaning that EASA OPS should not regulate security issues or at least regulate them in the same way than EU regulation 300/2008 and its implementing legislation do. Like concerning chapter 10 on in-flight security the European Commission and EASA should clearly define their responsibilities to protect the aviation industry from different requirements and a security regime which is not consistent at all.

comment

2677

comment by: Deutsche Lufthansa AG

**Relevant text:** to pay particular attention to large groups of travelers and have permanent procedures in place to monitor sporting teams' travel.

**Comment:** Why mentioning Sporting teams' travel. Has no added value to the first part of the sentence

**Proposed text:** delete the sporting team's travel part  
(f) to pay particular attention to large groups of travelers.

comment

2693

comment by: AUSTRIAN Airlines

Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage. This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN)

EASA definitions concerning 'Potentially disruptive passengers' are not harmonised with either EU DGTREN or ECAC definitions and should be harmonised

comment

2694

comment by: AUSTRIAN Airlines

**P.124 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para3.1(b)**  
**The operator should 'Minimize passenger frustration that occurs over long waiting times, the flight being overbooked, lack of information, technical deficiencies, etc'.**

This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers.

comment

2695

comment by: AUSTRIAN Airlines

**P.124 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para3.1(d)**  
**– The operator should 'maintain accurate and updated reports and statistics of disruptive passenger incidents so as to continually monitor the types of incidents and identify potential training needs etc.'**

This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding).

It is primarily a member state control authority issue to evaluate and analyse both mandatory and non mandatory reports.

comment

2696

comment by: AUSTRIAN Airlines

**P.126 GM OR.OPS. 020.SEC Disruptive Passenger behaviour Para6.1**  
**Location of restraint devices – 'Should be kept in a secure location such as the cockpit'**

Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated 'disruptive' behaviour in the knowledge this may open secure flight deck doors. No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

comment 2697 comment by: AUSTRIAN Airlines

**P.127 GM OR.OP S.020.SEC Disruptive Passenger behaviour Par a 9. 1 Additional Guidance material in the handling of disruptive passengers**

All references to additional Guidance material are in ICAO and ECAC Restricted documents and are not routinely available to airlines. Is it intended that EASA will develop AMC for disruptive passenger programmes (thereby assuming some of the responsibilities of the applicable state authority) or will the EC direct the Member States to specify the content of the programme and associated training?

comment 2698 comment by: AUSTRIAN Airlines

**P.132 GM OR.OP S.020.SEC Disruptive Passenger behaviour AMC OR.OPS.025.SEC Security programme and Security training Para 1 (c) 'appropriate self-defence responses'**

REMOVE – Crew should be trained in de-escalation techniques. Self defence or 'martial arts' type training is not appropriate.

comment 2699 comment by: AUSTRIAN Airlines

**P.132 GM OR.OP S.020.SEC Disruptive Passenger behaviour AMC OR.OPS.025.SEC Security programme and Security training Para 1 (c) 'use of authorised protective devices'**

REMOVE – Crew should be trained in de-escalation techniques. What are 'authorised' protective devices?

comment 2736 comment by: easyjet safety

The term 'potentially disruptive passenger' in the context of Regulation (EC) 200/2008 means a "passenger who is a deportee, a person deemed to be inaccessible for immigration purposes or a person in lawful custody".

Although not defined in Regulation 216, it is clear that the term 'disruptive passenger' is used in a much wider context. This anomaly must be clarified and any confusion removed.

GM OR.OPS.020.SEC – Operators have already, on the basis of operational experience, invested heavily in the development of effective policy and procedures for handling disruptive passengers. These procedures may not require the use of "restraining devices onboard" or a "warning" system therefore references to both must be removed.

GM OR.OPS.020.SEC 2.1 should be amended as follows to ensure uniformity with GM OR.OPS.020.SEC 1

"The operator should inform all staff members" *that come in contact with passengers, both on the ground and in the air* "about the contents of..."

GM OR.OPS.020.SEC 2.2 – the operator is not the only entity with responsibility for passenger communication and education. This paragraph requires amendment to include State, Airport etc responsibilities in this area.

GM OR.OPS.020.SEC 3 – Operators have no responsibility for providing nicotine replacement therapy to passengers – this must be removed.

comment 2737 comment by: easyjet safety

This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally frustrate passengers

comment 2738

comment by: *easyjet safety*

P.124 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para3.1(d) – The operator should 'maintain accurate and updated reports and statistics of disruptive passenger incidents so as to continually monitor the types of incidents and identify potential training needs etc.'

This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding).

It is primarily a member state control authority issue to evaluate and analyse both mandatory and non mandatory reports.

Reference to restraints must also be removed (ref above comments)

comment 2757

comment by: *easyjet safety*

P.124 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para3.1(b)

comment 2761

comment by: *TAP Portugal*

**P.123 GM OR.OPS.020.SEC Disruptive Passenger behaviour Association comment**

1. Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage. This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN)
2. EASA definitions concerning 'Potentially disruptive passengers' are not harmonised with either EU DGTREN or ECAC definitions and should be harmonised

comment 2763

comment by: *TAP Portugal*

**P.124 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para3.1(b) The operator should 'Minimize passenger frustration that occurs over long waiting times, the flight being overbooked, lack of information, technical deficiencies, etc'**

**Association comment**

This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers.

comment 2765

comment by: *TAP Portugal*

**P.124 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para3.1(d) – The operator should 'maintain accurate and updated reports and statistics of disruptive passenger incidents so as to continually monitor**

**the types of incidents and identify potential training needs etc.'****Association comment**

1. This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding).
2. It is primarily a member state control authority issue to evaluate and analyse both mandatory and non mandatory reports.

comment

2766

comment by: TAP Portugal

**P.126 GM OR.OPS. 020.SEC Disruptive Passenger behaviour Para 6.1 Location of restraint devices – 'Should be kept in a secure location such as the cockpit'****Association comment**

1. Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated 'disruptive' behaviour in the knowledge this may open secure flight deck doors.
2. No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

comment

2767

comment by: TAP Portugal

**P.127 GM OR.OP S.020.SEC Disruptive Passenger behaviour Para 9.1 Additional Guidance material in the handling of disruptive passengers****Association comment**

All references to additional Guidance material are in ICAO and ECAC Restricted documents and are not routinely available to airlines. Is it intended that EASA will develop AMC for disruptive passenger programmes (thereby assuming some of the responsibilities of the applicable state authority) or will the EC direct the Member States to specify the content of the programme and associated training?

comment

2768

comment by: TAP Portugal

**P.132 GM OR.OP S.020.SEC Disruptive Passenger behaviour AMC OR.OPS.025.SEC Security programme and Security training Para 1 (c) 'appropriate self-defence responses'****Association comments**

REMOVE – Crew should be trained in de-escalation techniques. Self defence or 'martial arts' type training is not appropriate.

comment

2769

comment by: TAP Portugal

**P.132 GM OR.OP S.020.SEC Disruptive Passenger behaviour AMC OR.OPS.025.SEC Security programme and Security training Para 1 (c) 'use of authorised protective devices'****Association comment**

REMOVE – Crew should be trained in de-escalation techniques. What are 'authorised' protective devices?

comment

2771

comment by: easyjet safety

P.125 GM OR.OPS.020.SEC Disruptive Passenger Behaviour Para 4

This must be removed. Operators have already, on the basis of operational experience, invested heavily in the development of effective policy and procedures for handling disruptive passengers. These procedures may not require the use of "restraining devices onboard" or a "warning" system therefore references to both must be removed.

comment

3039

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant Text:**

Appendix 3

**Comment:**

As the revision of the implementing legislation of EU Regulation 300/2008 has not been even finished yet and is therefore absolutely up-to-date we strongly argue that EASA OPS must not - if at all - address security topics in a different way than it has already been finalised in regulation 300/2008 and the implementing legislation. For example EASA OPS contains requirements for security programmes of airlines, security training and even for aircraft checks that differ and are not in line with EU Regulation 300/2008 and its implementing legislation. If EASA OPS would also regulate a security and training programme it should then be clearly stated which authority is responsible for the "certification process" (EASA, national authorities, etc?). Furthermore EASA OPS has no distinction between training for crew members and ground staff - in contrast to regulation 300/2008 and its implementing legislation which refer to dedicated groups of persons (persons implementing security controls, persons implementing access control, persons implementing baggage reconciliation, etc.). Besides "ground staff" is per se not definable: only ground staff which deals with flights from an operational perspective?

The amount of annual recurrent training is overdone

**Proposal:**

We should strongly argue for a "harmonisation" of both text meaning that EASA OPS should not regulate security issues or at least regulate them in the same way than EU regulation 300/2008 and its implementing legislation do. Like concerning chapter 10 on in-flight security the European Commission and EASA should clearly define their responsibilities to protect the aviation industry from different requirements and a security regime which is not consistent at all.

comment

3040

comment by: *Swiss International Airlines / Bruno Pfister*

**Relevant text:** to pay particular attention to large groups of travelers and have permanent procedures in place to monitor sporting teams' travel.

**Comment:** Why mentioning Sporting teams' travel. Has no added value to the first part of the sentence

**Proposed text:** delete the sporting team's travel part

*(f) to pay particular attention to large groups of travelers.*

comment

3078

comment by: *easyjet safety*

P.126 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para6.1

No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

Remove 'such as the cockpit' – As locked door policy is mandated•  
OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated  
'disruptive' behaviour in the knowledge this may open secure flight deck doors.

P.126 GM OR.OPS.020.SEC Disruptive Passenger Behaviour Para 7.2 –

To take account of operators who do not carry restraint devices onboard i. and j.  
should be amended as follows:

*i. restraint device training (if applicable)*

*j. restrained passenger welfare (if applicable)*

comment

3079

comment by: *easyjet safety*

p. 127 GM OR.OPS.020.SEC Disruptive Passenger Behaviour Para 8

This would appear to refer to the Regulation (EC) 300/2008 definition. Any  
confusion, anomaly between the two Regulations must be removed. The term  
"persons travelling under special status" does not appear in any existing or draft  
security Legislation.

P.127 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para 9.1

All references to additional Guidance material are in ICAO and ECAC  
Restricted documents and are not routinely available to airlines.  
These documents must be made available to all operators.

comment

3084

comment by: *easyjet safety*

P.129 Appendix 1 to GM OR.OPS.020.SEC

As this form makes reference to a "warning system" it should be removed

comment

3085

comment by: *easyjet safety*

P.132 Appendix 3 to GM OR.OPS.020.SEC Disruptive Passenger behaviour

Any reference to time allocation for training (e.g. 8 hours/½ day) is irrelevant  
and must be removed. Effective training is the goal.

comment

3086

comment by: *easyjet safety*

P.132 GM OR.OPS.020.SEC Disruptive Passenger behaviour AMC  
OR.OPS.025.SEC Security programme and Security training Para 1 (c)

REMOVE – Crew should be trained in de-escalation techniques. Self defence or  
'martial arts' type training is not appropriate.

comment

3087

comment by: *easyjet safety*

P.132 GM OR.OPS.020.SEC Disruptive Passenger behaviour AMC  
OR.OPS.025.SEC Security programme and Security training Para 1 (c)

REMOVE – Crew should be trained in de-escalation techniques. What are 'authorised' protective devices - since they have not been defined ?

comment

3112

comment by: *Virgin Atlantic Airways***Relevant Text:**

f) to pay particular attention to large groups of travelers and have permanent procedures in place to monitor sporting teams' travel.

**Comment:**

Why mentioning Sporting teams' travel. Has no added value to the first part of the sentence - delete reference to sporting teams' travel

**Proposed text:**

(f) to pay particular attention to large groups of travellers

comment

3118

comment by: *ERA***European Regions Airline Association Comment**

- The term 'potentially disruptive passenger' in the context of Regulation (EC) 200/2008 means a "passenger who is a deportee, a person deemed to be inaccessible for immigration purposes or a person in lawful custody".
- Although not defined in Regulation 216, it is clear that the term 'disruptive passenger' is used in a much wider context. This anomaly must be clarified and any confusion removed.
- GM OR.OPS.020.SEC – Operators have already, on the basis of operational experience, invested heavily in the development of effective policy and procedures for handling disruptive passengers. These procedures may not require the use of "restraining devices onboard" or a "warning" system therefore references to both must be removed.
- GM OR.OPS.020.SEC para 2.1 should be amended as follows to ensure uniformity with GM OR.OPS.020.SEC para 1

**"The operator should inform all staff members" that come in contact with passengers, both on the ground and in the air "about the contents of...."**

- GM OR.OPS.020.SEC para 2.2 – the operator is not the only entity with responsibility for passenger communication and education. This paragraph requires amendment to include State, Airport etc responsibilities in this area.
- GM OR.OPS.020.SEC para 3 – Operators have no responsibility for providing nicotine replacement therapy to passengers – this must be removed.
- Paragraph 3.1 b. should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers.
- Reference Para 3.1 d. :This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding). It is primarily a member state control authority issue to evaluate and analyse both mandatory and non mandatory reports. Reference to restraints must also be removed (ref above comments).
- Para 4 must be removed. Operators have already, on the basis of operational experience, invested heavily in the development of effective

policy and procedures for handling disruptive passengers. These procedures may not require the use of "restraining devices onboard" or a "warning" system therefore references to both must be removed.

- Reference Para 6.1: No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types. Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated 'disruptive' behaviour in the knowledge this may open secure flight deck doors.
- Reference Para 7.2 i and j: To take account of operators who do not carry restraint devices onboard i. and j. should be amended as follows:

*i. restraint device training (if applicable)*

*j. restrained passenger welfare (if applicable)*

- Reference Para 8: This would appear to refer to the Regulation (EC) 300/2008 definition. Any confusion, anomaly between the two Regulations must be removed. The term "persons travelling under special status" does not appear in any existing or draft security Legislation
- Reference Para 9.1: All references to additional Guidance material are in ICAO and ECAC Restricted documents and are not routinely available to airlines. These documents must be made available to all operators.
- Reference Appendix 1: As this form makes reference to a 'warning system' it should be removed.

Reference Appendix 3: Any reference to time allocation for training (e.g. 8 hours/½ day) is irrelevant and must be removed. Effective training is the goal.

comment

3277

comment by: *Swiss International Airlines / Bruno Pfister*

Potentially Disruptive passengers are also covered by the provisions on EU300/2008 Chapter 4 Passengers and Cabin Baggage. This must be recognised as either the responsibility for regulatory authority and activity for SAFETY (EASA) or Security (DG TREN) EASA definitions concerning 'Potentially disruptive passengers' are not harmonised with either EU DGTREN or ECAC definitions and should be harmonised

comment

3279

comment by: *Swiss International Airlines / Bruno Pfister*

This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers.

comment

3281

comment by: *Swiss International Airlines / Bruno Pfister*

This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding). It is primarily a member state control authority issue to evaluate and analyse both mandatory and non mandatory reports.

comment

3282

comment by: *Swiss International Airlines / Bruno Pfister*

Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated

'disruptive' behaviour in the knowledge this may open secure flight deck doors. No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

comment 3284 comment by: *Swiss International Airlines / Bruno Pfister*

All references to additional Guidance material are in ICAO and ECAC Restricted documents and are not routinely available to airlines. Is it intended that EASA will develop AMC for disruptive passenger programmes (thereby assuming some of the responsibilities of the applicable state authority) or will the EC direct the Member States to specify the content of the programme and associated training?

comment 3285 comment by: *Swiss International Airlines / Bruno Pfister*

REMOVE – Crew should be trained in de-escalation techniques. Self defence or 'martial arts' type training is not appropriate.

comment 3286 comment by: *Swiss International Airlines / Bruno Pfister*

REMOVE – Crew should be trained in de-escalation techniques. What are 'authorised' protective devices?

comment 3331 comment by: *Lufthansa CityLine GmbH*

3.1

b.

This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers.

3.1.

d.

This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding).

It is primarily a member state control authority issue to evaluate and analyse both mandatory and non mandatory reports.

6.1

Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated 'disruptive' behaviour in the knowledge this may open secure flight deck doors. No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

comment 3402 comment by: *BDF - German Airline Association*

Security Training programmes are already mandated in the Chapter 11 of EU 300/2008 – EASA section IX should be amended to reflect this.

Paragraph 1.2 c: Training Programmes for crew members and ground staff are already dealt with by Regulation (EC) 300/2008 which states that ground staff

training is a responsibility of the airport. External Handling Agents who work for more than one airline would have to be trained again by each airline, since this proposal is only reflecting the responsibilities of the airline.

Paragraph 1.2 f: Why is group travelling so special? A small group can be as inconspicuous as a single person.

Paragraph 3 and 3.1: Since prevention of disruptive passenger behaviour is a complex issue and since the prevention of disruptive passenger behaviour is often beyond the operator's influence the measures taken and training obligations should not only be up to operators. Especially in regards to reporting most countries stipulate responsibilities for their authorities. The operator is often not aware of incidents prior to boarding. Therefore these paragraphs should be withdrawn.

Paragraph 5: This paragraph consists of redundant information, since paragraph 4 already covers the important categories.

Paragraph 6.1: Keeping the restrained devices in the cockpit contradicts with the flight deck door policy. A disruptive behaviour could be initiated, in order to have the door opened.

Paragraph 7.2: The personnel for which the training programme shall be applied is not reflecting the responsibilities of other companies involved (such as the airports) for staff training.

Paragraph 8: Persons travelling under special status is already covered in Regulation (EC) 300/2008, 4.3. Therefore there is no need to cover this issue again, as stated before.

comment

3759

comment by: Antonio Sousa

A disruptive/unruly passenger means *"a person who commits on board a civil aviation aircraft, from the moment when the aircraft door is closed prior to take-off to the moment when it is reopened after landing ...."* (ECAC Doc. 30, ICAO Tokyo Convention)

EASA extends this concept to airport terminals, check-in counters and boarding gates and holds the air carrier responsible for the handling of this kind of passengers (adequate training is mandated) . The present concept shall be kept thus any disruptive passenger behaviour out of the aircraft shall be considered as a public order issue and under the responsibility of the airport authority and police forces.

Furthermore crew should continue to be trained in de-escalation techniques and not on self defence martial arts and use of "authorised protective devices".

comment

3767

comment by: Antonio Sousa

Warning to passenger – ECAC Doc. 30, Annex IV-4-C, Attachment II clear defines the kind of warnings that should be given to the disruptive passenger. These warnings shall be **signed** by the pilot in command. The word *"given"* is not appropriate, it may lead to confusion (physically given by the pilot in command).

comment

3769

comment by: Antonio Sousa

Categorising of disruptive passengers' incidents – ECAC Doc. 30, Annex IV-4-C,

Attachment I clear defines the 3 levels for passenger disturbance reports actually in use and adopted by Member States authorities and air carriers. Introducing a new scheme as per NPA 2009 2-c, paragraph 4, page 125, will increase misunderstanding and confusion.

comment

3830

comment by: Antonio Sousa

Paragraph 6.1. Location of restraint devices - These devices shall never be considered to be placed/kept "*in a secure place such as the cockpit*". Cockpit doors shall remain closed/blocked during flight. Esay to pretend a disruptive behaviour on board in order to gain access to the cockpit during flight

comment

3916

comment by: AIR FRANCE

Relevant text:

7.2.h physical breakaway and controlling skills.

Proposal:

Replace by neutralization which is more adapted.

comment

3924

comment by: Rui Sarmento

In acordance with ECAC Doc 230, Tokyo Covention and ICAO, a disruptive/unruly passenger is " a person who commits on board a civil aviation aircraft, from the moment when the aircraft door is closed prior to take-off to the moment when it is reopened after landing". EASA isnow extending this concept to airport terminals, chec-in couters and boarding gates, holding the air carrier responsible for the handling of these passengers (adequate training is mandated). The actual concept (ECAC Doc 230, Tokyo Covention and ICAO) shall be kept thus any disruptive passenger behaviour out of the aircraftshall be considered as a public order issue and under the responsibility of the airport authority and police forces.

Crews cshould continue to be trained in de - escalation tecniques and not on self defense martial arts and use of #authorized protective devices".

WARNING to PASSENGER - ECAC Doc 30, Annex iv-4-C, attachment II clearly defines the kind of warnings that should be given to a disruptive passenger. These warnings shall be SIGNED by the pilot in command. The word here used "given", is not appropriate, it may lead to confusion and indicate that it shall be FHYSCALLY given by the pilot in command.

When categorising disruptive passengers incidents - ECAC Doc 30, ANnex IV - 4-C, Attachment I clear defines the 3 levels for passenger disturbance reports actually in use and adopted by Member State authorities and air carriers. Introducing a new scheme as per NPA 2009 2-c, paragraph 4, page 125, will increase misunderstanding and confusion

In paragraph 6.1, Location of restraint devices- these devices shall never be considered to be kept/placed "in a secure place such as the cockpit". Cockpit doors shall remain closed/blocked during flight. Esay to pretend a disruptive behaviour on board in order to gain access to the cockpit during flight.

The definition of "Aircraft Search" is part of the EC Regulation nº 300/2008 and does not mean the same task as the present one. Therefore this procedure should be renamed in order to avoid misunderstanding.

comment

3942

comment by: SATA Group

- Under ECAC doc 30 and ICAO Tokyo Convention, a disruptive/unruly

passenger is someone who commits a disruptive/unruly act onboard an aircraft in flight. EASA in this NPA extends these acts to the areas out of the aircraft and also when the aircraft is not in flight.

- At the airport terminals, check-in counters, boarding gates, ramp, areas next to the aircraft, holds, etc, is under the responsibility of the airport or the police authorities, not to the aircraft operator.
- The operator should only be trained to inform the airport and the authorities in order to prevent these passengers from boarding into the aircraft.
- **Warning to passenger** shall be **signed** by the pilot in command. "**given**" is not an adequate word and it is confused, because the pilot in command can not physically give this warning to the disruptive passenger.
- **Categorizing of disruptive passengers incidents** - Operators are already using a security form for the report of disturbances provoked by the unruly/disruptive passengers on board, in basis of 3 levels ( not 4), under the requirements of ECAC Doc 30.
- **Location of restraint devices** - remove "such as the cockpit". Cockpit must remain secure. Is not the secure location for keeping the restraint devices. Flight deck doors shall be always closed and blocked, during all the time of the flight.

comment

3943

comment by: IATA

#### **P.123/4 GM OR.OPS.020.SEC Disruptive Passenger behaviour**

The term 'potentially disruptive passenger' in the context of Regulation (EC) 200/2008 means a "passenger who is a deportee, a person deemed to be inaccessible for immigration purposes or a person in lawful custody".

Although not defined in Regulation 216, it is clear that the term 'disruptive passenger' is used in a much wider context. This anomaly must be clarified and any confusion removed.

GM OR.OPS.020.SEC – Operators have already, on the basis of operational experience, invested heavily in the development of effective policy and procedures for handling disruptive passengers. These procedures may not require the use of "restraining devices onboard" or a "warning" system therefore references to both must be removed.

GM OR.OPS.020.SEC 2.1 should be amended as follows to ensure uniformity with GM OR.OPS.020.SEC 1

"The operator should inform all staff members" *that come in contact with passengers, both on the ground and in the air* "about the contents of..."

GM OR.OPS.020.SEC 2.2 – the operator is not the only entity with responsibility for passenger communication and education. This paragraph requires amendment to include State, Airport etc responsibilities in this area.

GM OR.OPS.020.SEC 3 – Operators have no responsibility for providing nicotine replacement therapy to passengers – this must be removed.

#### **P.124 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para 3.1(b) The operator should 'Minimise passenger frustration that occurs over long waiting times, the flight being overbooked, lack of information, technical deficiencies, etc'**

This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather,

airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers.

**P.124 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para 3.1(d) – The operator should maintain accurate and up dated reports and statistics of disruptive passenger incidents so as to continually monitor the types of incidents and identify potential training needs etc.'**

This is also an airport security and police issue (many operators are not aware of incidents of disruption prior to boarding).

It is primarily a member state control authority issue to evaluate and analyse both mandatory and non mandatory reports.

Reference to restraints must also be removed (ref above comments)

**P.125 GM OR.OPS.020.SEC Disruptive Passenger Behaviour Para 4**

This must be removed. Operators have already, on the basis of operational experience, invested heavily in the development of effective policy and procedures for handling disruptive passengers. These procedures may not require the use of "restraining devices onboard" or a "warning" system therefore references to both must be removed.

**P.126 GM OR.OPS. 020.SEC Disruptive Passenger behaviour Para 6.1 Location of restraint devices – 'Should be kept in a secure location such as the cockpit'**

No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated 'disruptive' behaviour in the knowledge this may open secure flight deck doors.

**P.126 GM OR.OPS.020.SEC Disruptive Passenger Behaviour Para 7.2 – Training Requirements**

To take account of operators who do not carry restraint devices onboard i. and j. should be amended as follows:

- i. restraint device training (if applicable)*
- j. restrained passenger welfare (if applicable)*

**p. 127 GM OR.OPS.020.SEC Disruptive Passenger Behaviour Para 8**

This would appear to refer to the Regulation (EC) 300/2008 definition. Any confusion, anomaly between the two Regulations must be removed. The term "persons travelling under special status" does not appear in any existing or draft security Legislation.

**P.127 GM OR.OPS.020.SEC Disruptive Passenger behaviour Para 9.1 Additional Guidance material in the handling of disruptive passengers**

All references to additional Guidance material are in ICAO and ECAC Restricted documents and are not routinely available to airlines.

These documents must be made available to all operators.

**P.129 Appendix 1 to GM OR.OPS.020.SEC**

As this form makes reference to a 'warning system' it should be removed.

**P.132 Appendix 3 to GM OR.OP S.020.SEC Disruptive P assenger behaviour**

Any reference to time allocation for training (e.g. 8 hours/½ day) is irrelevant and must be removed. Effective training is the goal.

comment

3996

comment by: ANE (Air Nostrum) OPS QM

**Para3.1(b)**

The operator should 'Minimize passenger frustration that occurs over long waiting times, the flight being overbooked, lack of information, technical deficiencies, etc'

This paragraph should be withdrawn as it implies that all these are all Air carriers fault and that these situations can definitively be resolved as they are under the direct control of airlines – other issues such as adverse weather, airport congestion, industrial action, ATC delays, security screening procedures can all equally 'frustrate' passengers.

**Please delete Para3.1(b)****Para 6.1**

Location of restraint devices – 'Should be kept in a secure location such as the cockpit'

Remove 'such as the cockpit' – As locked door policy is mandated OR.OPS.035.SEC cockpit must remain secure; terrorists could use simulated 'disruptive' behaviour in the knowledge this may open secure flight deck doors.

No mandate should be envisaged to carry restraints – they are not appropriate for all commercial aircraft types

**Please delete Para 6.1****C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IX - AMC OR.OPS.025.SEC Security programme and Security training**

p. 132-133

comment

906

comment by: *claire.amos*

This could conflict with the EC300 Implementing Rules for Chapters 10 and 11.

comment

1172

comment by: *Welcome Air***OR.OPS.025.SEC Security programme and Security training**

- Delete – These sections are covered variously under state National Aviation Security Programme's and relevant Chapters of Implementing Legislation of EU300/2008 (these sections include specific requirements for pre employment screening and training of personnel, screening and protection of hold baggage, airport perimeter security and pre/post searching of aircraft, testing of security procedures) and should not be under the remit of EASA

comment 2021 comment by: AEA

**Relevant text:**  
*1 The training programme established by a commercial operator should include the following elements, if applicable:*  
*c. appropriate selfdefence responses;*

**Comment:**  
 Crew should be trained in de-escalation techniques. Self defence or 'martial arts' type training is not appropriate.

**Proposal**  
 Remove 1.c. ~~appropriate selfdefence responses;~~

comment 2025 comment by: AEA

**Relevant text:**  
*1 The training programme established by a commercial operator should include the following elements, if applicable:*  
*d. use of authorised protective devices;*

**Comment:**  
 Crew should be trained in de-escalation techniques. What are 'authorised' protective devices?

**Proposal:**  
 Remove 1. ~~d. use of authorised protective devices;~~

comment 2027 comment by: AEA

**Relevant text:**  
*1 The training programme established by a commercial operator should include the following elements, if applicable:*  
*f. live situational training exercises regarding various threat conditions;*

**Comment/Proposal:**  
 Define 'live situ ational tr aining exer cises regar ding various threat conditions'

comment 2317 comment by: Ryanair

Security training requirements are already specified in Regulation (EC) 300/2008, Chapter 11. This proposed AMC must take account of this.

c. Appropriate self-defence responses

Remove - ground personnel and crew should be trained in de-escalation techniques. Self defence type training is not appropriate.

d. Use of authorised protective devices

There is no definition of 'authorised protective devices'. The only reference is to 'restraining devices'. As previously stated operators have invested heavily in developing policy and procedures which may not require the use of

restraining devices. Nothing in these Regulations/AMCs/GM should be interpreted as mandating the use of restraining devices.

h. Aircraft search procedures and guidance on least-risk bomb location where practicable

Aircraft check and search requirements are already specified in and mandated by Regulation (EC) 300/2008.

comment

2683

comment by: Ryanair

Comment

The content and thrust of this sample training program is entirely inappropriate and misconceived. Required Training should be included in Security Training as specified and mandated by Regulation (EC) 300/2008, Chapter 11. Training requirements should be operator defined based on their experience of disruptive passengers and their existing procedures. All training for cabin crew should be aimed at increasing de-escalation techniques that do not involve physical contact with a disruptive passenger. Self defence type training is not appropriate. The emphasis placed on the capability to use acquired knowledge in practical cases is laughable. Are operators expected to have kung fu experts as cabin crew so that an 8 stone girl can overpower a drunken football supporter? If such skills are to be deployed on an aircraft it is not for the operator to train and supply them.

Question

Why is there a difference between Appendix 3 and the content of AMC.OR.OPS.025.SEC? Surely the appendix should satisfy the requirements of the AMC?

comment

2701

comment by: AUSTRIAN Airlines

**P 133 OR.OPS.025.SEC Security programme and Security training Para 1 (f) 'live situational training exercises regarding various threat conditions'**

**Define 'live situational training exercises regarding various threat conditions'**

comment

2772

comment by: TAP Portugal

**P 133 AMC OR.OPS.025.SEC Security programme and Security training Para 1 (f) 'live situational training exercises regarding various threat conditions'**

**Association comment**

Define 'live situational training exercises regarding various threat conditions'

comment

3125

comment by: ERA

**European Regions Airline Association Comment**

**• REMOVE para 1 ( c) – Crew should be trained in de-escalation**

- techniques. Self defence or 'martial arts' type training is not appropriate.
- **REMOVE para 1 ( d)** – Crew should be trained in de-escalation techniques. What are 'authorised' protective devices?
  - Reference Para 1 (f) - **Define** 'live situational training exercises regarding various threat conditions'

comment 3234

comment by: DGAC

« **COMMERCIAL OPERATORS** » should not be in bold text

comment 3288

comment by: Swiss International Airlines / Bruno Pfister

Define '**live situ ational tr aining exer cises regar ding various threat conditions**'

comment 3336

comment by: Lufthansa CityLine GmbH

1

c.

REMOVE – Crew should be trained in de-escalation techniques. Self defence or 'martial arts' type training is not appropriate

1

d.

REMOVE – Crew should be trained in de-escalation techniques. What are 'authorised' protective devices?

1

f.

Define 'live situational training exercises regarding various threat conditions'

comment 3504

comment by: IATA

**Appendix 3  
Proposal:**

**EASA OPS should not regulate security or at least regulate it in the same way than EU regulation 300/2008 and its implementing rules**

comment 3914

comment by: AIR FRANCE

Relevant text:

c. appropriate self defense responses

Proposal:

self defense responses must be replaced by neutralisation, which is a simple knowledge of gestures adapted to confined environment.

comment 3944

comment by: IATA

**P.132 GM OR.OP S.020.SEC Disruptive Passen ger be haviour AMC OR.OPS.025.SEC Security programme and Security training Para 1 (c) 'appropriate self-defence responses'**

REMOVE – Crew should be trained in de-escalation techniques. Self defence or 'martial arts' type training is not appropriate.

**P.132 GM OR.OP S.020.SEC Disruptive Passenger behaviour AMC OR.OPS.025.SEC Security programme and Security training Para 1 (c) 'use of authorised protective devices'**

REMOVE – Crew should be trained in de-escalation techniques. What are 'authorised' protective devices?

**P 133 OR.OPS.025.SEC Security programme and Security training Para 1 (f) 'live situational training exercises regarding various threat conditions'**

Define 'live situational training exercises regarding various threat conditions'

**GM OR.OPS.025.SEC – Security Programme and Security Training**

This GM should refer to Regulation (EC) 300/2008

**P133 to 136 OR.O PS.025.SEC Security programme and Security training**

Delete – These sections are covered variously under state National Aviation Security Programme's and relevant Chapters of Implementing Legislation of EU300/2008 (these sections include specific requirements for pre employment screening and training of personnel, screening and protection of hold baggage, airport perimeter security and pre/post searching of aircraft, testing of security procedures) and should **not** be under the remit of EASA. Moreover, procedures for aircraft and premises protection might be contradictory to the upcoming EU300/2008 Implementing Legislation, especially the requirements for aircraft sealing.

comment

3962

comment by: ANE (Air Nostrum) OPS QM

**Para 1 (c) 'appropriate self-defence responses'**

REMOVE –Self defence or 'martial arts' type training is not appropriate.

**Para 1 (d) 'use of authorised protective devices'**

REMOVE –. What are 'authorised' protective devices?

**Para 1 (f)**

DEFINE or REMOVE 'live situational training exercises regarding various threat conditions'

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IX - GM OR.OPS.025.SEC Security programme and Security training**

p. 133-136

comment

387

comment by: Condor Flugdienst GmbH - FRA HO/R

Referring to GM.OR.OPS.025.SEC: C. Aircraft (ii) + (iii):  
It must be possible that authorized personnel (e.g. maintenance personnel) fulfils the supervisory role.

comment 388 comment by: *Condor Flugdienst GmbH - FRA HO/R*

Referring to GM.OR.OPS.025.SEC: C. Aircraft (V):  
Confidential regulations (622/2003) provide for sealing of aircraft only in defined critical locations.  
Remember that EU Commission is responsible for AVSEC and should have the final decision!

comment 922 comment by: *claire.amos*

If guidance material is to be provided on the content, it should at least mirror EC300 not ICAO.

comment 1665 comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**GM OR.OPS.025.SEC Security programme and Security training**  
**c. Aircraft**

**ii.** Ensure that a flight department member is present at all times when the aircraft is being serviced (fuelling, catering, etc.) at operators facilities;  
**iii.** Ensure that a aircraft crew member is present at all times when the aircraft is being serviced (fuelling, catering, etc.) at locations away from operator's facilities;

**Proposal:**

**Replace:** "flight department member" and "aircraft crew member" by "authorized personnel" to fulfil the supervisory role.

comment 1666 comment by: *The TUI Airlines group represented by Thomson Airways, TUIfly, TUIfly Nordic, CorsairFly, Arkefly, Jet4U, JetairFly*

**GM OR.OPS.025.SEC Security programme and Security training**  
**c. Aircraft**

**v.** Apply tamper evidence security tape on doors, panels, etc;

**Comment:**

The EU Commission is responsible for AVSEC, not EASA.

comment 2028 comment by: *AEA*

**Relevant text**

GM OR.OPS.025.SEC Security programme and Security training

**Comment:**

These sections are covered variously under state National Aviation Security Programme's and relevant Chapters of Implementing Legislation of EU300/2008 (these sections include specific requirements for pre employment screening and training of personnel, screening and protection of hold baggage, airport perimeter security and pre/post searching of aircraft, testing of security

procedures) and should **not** be under the remit of EASA. Moreover, procedures for aircraft and premises protection might be contradictory to the upcoming EU300/2008 Implementing Legislation, especially the requirements for aircraft sealing.

**Proposal:**

Delete GM OR.OPS.025.SEC Security programme and Security training

comment

2322

comment by: *Ryanair*

GM OR.OPS.025.SEC makes no reference to Regulation (EC) 300/2008.

The reference material specified is classified as 'restricted' and therefore may not be available to all operators.

Regulation (EC) 300/2008 already requires Operators to develop and implement a security programme. To avoid conflict, any reference to an operators security programme or a requirement to include elements of this programme in the operations manual must be removed. Otherwise operators may be subjected to duplicated information and approval processes.

Some of the proposed information in this GM already conflicts with the Requirements of Regulation (EC) 300/2008, is unnecessary and must be removed. For example:

(c)(b)

- The incorrect limitation of pre-employment screening to flight operations department personnel [(b)(i)]
- A requirement for crew members display photo ID at all times [(b)(ii)]
- Conflicting list of areas of the aircraft to be security checked/searched [(c)(i)]
- Requirements for 'unattended aircraft' conflict Regulation (EC) 300/2008 [(c)(iv)]
- 300/2008 does not mandate the use of aircraft seals [(c)(v)]
- Airport requirements [(c)(d)] etc, etc

Due to the level of inconsistency and conflict with existing Security Legislation this GM should be removed in it's entirety.

comment

2702

comment by: *AUSTRIAN Airlines*

Delete – These sections are covered variously under state National Aviation Security Programme's and relevant Chapters of Implementing Legislation of EU300/2008 (these sections include specific requirements for pre employment screening and training of personnel, screening and protection of hold baggage, airport perimeter security and pre/post searching of aircraft, testing of security procedures) and should **not** be under the remit of EASA. Moreover, procedures for aircraft and premises protection might be contradictory to the upcoming EU300/2008 Implementing Legislation, especially the requirements for aircraft sealing.

comment

2774

comment by: *TAP Portugal*

**P133 t o 13 6 OR.O PS.025.SEC Security programme and Security**

**training****Association comment**

Delete – These sections are covered variously under state National Aviation Security Programme's and relevant Chapters of Implementing Legislation of EU300/2008 (these sections include specific requirements for pre employment screening and training of personnel, screening and protection of hold baggage, airport perimeter security and pre/post searching of aircraft, testing of security procedures) and should **not** be under the remit of EASA. Moreover, procedures for aircraft and premises protection might be contradictory to the upcoming EU300/2008 Implementing Legislation, especially the requirements for aircraft sealing.

comment

3089

comment by: *easyjet safety*

P 133 OR.OPS.025.SEC Security programme and Security training Para 1 (f)  
Define 'live situational training exercises regarding various threat conditions'  
GM OR.OPS.025.SEC – Security Programme and Security Training  
This GM should refer to Regulation (EC) 300/2008

comment

3090

comment by: *easyjet safety*

P133 to 136 OR.OPS.025.SEC Security programme and Security training

Delete – These sections are covered variously under state National Aviation Security Programme's and relevant Chapters of Implementing Legislation of EU300/2008 (these sections include specific requirements for pre employment screening and training of personnel, screening and protection of hold baggage, airport perimeter security and pre/post searching of aircraft, testing of security procedures) and should **not** be under the remit of EASA. Moreover, procedures for aircraft and premises protection might be contradictory to the upcoming EU300/2008 Implementing Legislation, especially the requirements for aircraft sealing.

comment

3126

comment by: *ERA***European Regions Airline Association Comment**

- This GM should refer to Regulation (EC) 300/2008
- Reference:  
'The following additional guidance material.....'

**Delete** – These sections are covered variously under state National Aviation Security Programme's and relevant Chapters of Implementing Legislation of EU300/2008 (these sections include specific requirements for pre employment screening and training of personnel, screening and protection of hold baggage, airport perimeter security and pre/post searching of aircraft, testing of security procedures) and should **not** be under the remit of EASA. Moreover, procedures for aircraft and premises protection might be contradictory to the upcoming EU300/2008 Implementing Legislation, especially the requirements for aircraft sealing.

comment 3235 comment by: DGAC  
**"PRIOR TO EVERY FLIGHT"** and **" B EFORE LEAVING AIRCRAFT"** should not be in bold text

comment 3289 comment by: Swiss International Airlines / Bruno Pfister  
Delete – These sections are covered variously under state National Aviation Security Programme's and relevant Chapters of Implementing Legislation of EU300/2008 (these sections include specific requirements for pre employment screening and training of personnel, screening and protection of hold baggage, airport perimeter security and pre/post searching of aircraft, testing of security procedures) and should **not** be under the remit of EASA. Moreover, procedures for aircraft and premises protection might be contradictory to the upcoming EU300/2008 Implementing Legislation, especially the requirements for aircraft sealing.

comment 3417 comment by: BDF - German Airline Association  
Since the need for a Security Programme and a Training Programme is already part of Regulation (EC) 300/2008 and the National Aviation Security Programmes, this section should be deleted.  
1. Persons and process v. to vii. – Delete! This section is already mandated in Chapter 2 Airport security, Chapter 3 aircraft security and Chapter 5 hold baggage.  
2. Aircraft i. to vii. – Delete! Measures of aircraft security are mandated in Chapter 3, aircraft security as aircraft search and aircraft protection.  
3. Facilities i. to xii. –Delete! These section is already covered under Chapter 2 airport security and should not be under the remit of EASA.

**C. V. Draft Decision (AMC&GM) Part-OR - Subpart OPS - Section IX - GM  
OR.OPS.030.SEC Aircraft search procedure checklist**

p. 136

comment 1173 comment by: Welcome Air  

- This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – Section should be amended to reflect this.

comment 2029 comment by: AEA  
**Relevant text:**  
GM OR.OPS.030.SEC Aircraft search procedure checklist  
**Comment:**  
This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – Section should be amended to reflect this.  
**Proposal:**

Rename GM OR.OPS.030.SEC **Aircraft—Specific threat event** – search procedure checklist'

comment

2326

comment by: *Ryanair*

There is no reference to Regulation (EC) 300/2008

Security training requirements are already specified in and mandated by Regulation (EC) 300/2008, Chapter 11. Nothing in OR.OPS, Section IX shall conflict with these requirements.

All references are to restricted ICAO and ECAC documents which are not readily accessible to all operators.

Aircraft security check and search requirements are already specified in and mandated by Regulation (EC) 300/2008. There is no basis in security for an aircraft search procedures checklist nor does it add any benefit. OR.OPS SEC must be amended to reflect the Requirements of Regulation (EC) 300/2008.

"Trade organisations" have no role in aviation regulation therefore all references to such organisations must be removed.

comment

2703

comment by: *AUSTRIAN Airlines*

This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – Section should be amended to reflect this.

comment

2775

comment by: *TAP Portugal*

**P136 GM OR.OPS.030.SEC Aircraft search procedure checklist**  
**Association comment**

This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – Section should be amended to reflect this.

comment

3091

comment by: *easyjet safety*

P136 GM OR.OPS.030.SEC Aircraft search procedure checklist

There is no basis in security for such a checklist nor does it serve any security benefit. Aircraft search procedures are specified in and mandated by Chapter 3 of EU300/2008 – Section IX of OR.OPS should be amended to reflect this

comment

3128

comment by: *ERA*

**European Regions Airline Association Comment**

There is no basis in security for such a checklist nor does it serve any security

benefit. Aircraft search procedures are specified in and mandated by Chapter 3 of EU300/2008 – Section IX of OR.OPS should be amended to reflect this..

comment

3236

comment by: *DGAC*

**“COMMERCIAL OPERATORS AND NON-COMMERCIAL OPERATORS OF COMPLEX MOTOR-POWERED AIRCRAFT »** should not be in bold text

comment

3291

comment by: *Swiss International Airlines / Bruno Pfister*

This should be renamed 'Specific threat event – search procedure checklist' in order to not be confused by Aircraft search procedures that are already mandated in Chapter 3 of EU300/2008 – Section should be amended to reflect this.

comment

3412

comment by: *BDF - German Airline Association*

This paragraph has no delimitation to the aircraft security check/search as per Regulation (EC) 300/2008. This might end up in confusion of involved personnel.  
This should be renamed in order to not be confused by aircraft search procedures that are already mandated in Chapter 3 of Regulation (EC) 300/2008. The Section should be amended to reflect this.

comment

3821

comment by: *Antonio Sousa*

The definition "Aircraft Search" is part of the EC Regulation n.º 300/2008 and does not mean the same task as the present one. Therefore this procedure should be renamed in order to avoid misunderstanding.

comment

3945

comment by: *IATA*

There is no basis in security for such a checklist nor does it serve any security benefit. Aircraft search procedures are specified in and mandated by Chapter 3 of EU300/2008 – Section IX of OR.OPS should be amended to reflect this.

comment

3948

comment by: *SATA Group*

- **Aircraft search procedure checklist** - should be **renamed**, because can do confusion with the aircraft search procedures mandated in chapter 3 of EU 300/2008

**Appendix B****Attachments to comments received on NPA 2009-02c**

 [Approval Acceptance2.pdf](#)

Attachment #1 to comment [#1464](#)

 [EASA TCOJuly31 for NPA.pdf](#)

Attachment #2 to comment [#3472](#)

 [sc001025e3.pdf](#)

Attachment #3 to comment [#1632](#)

 [LTU Memo - Calculation Basic FDP.pdf](#)

Attachment #1 to comment [#1242](#)

 [LTU comments EASA NPA 2009-02.pdf](#)

Attachment #2 to comment [#1242](#)

 [LTU comments EASA CS-FTL.pdf](#)

Attachment #3 to comment [#1242](#)

 [LTU Charts FDP.pdf](#)

Attachment #4 to comment [#1242](#)

 [Air Berlin Table B - Extended FDP.pdf](#)

Attachment #5 to comment [#3932](#)

 [NPA 2009 02C IR Air Operations ETF 300709.pdf](#)

Attachment #6 to comment [#3416](#)

 [AcclimatisedFinal.pdf](#)

Attachment #7 to comment [#3200](#)

 [Moebus.pdf](#)

Attachment #8 to comment [#466](#)

 [EASA IATA FTL FRMS.pdf](#)

Attachment #9 to comment [#3500](#)

 [EASA IATA FTL FRMS.pdf](#)

Attachment #10 to comment [#3501](#)

 [EASA IATA FTL FRMS.pdf](#)

Attachment #11 to comment [#3502](#)

 [Joint response EASA NPA 2009-02c Section IX.pdf](#)

Attachment #12 to comment [#3823](#)

 [LTU Memo - Calculation Basic FDP.pdf](#)

Attachment #13 to comment [#1187](#)

 [LTU comments EASA CS-FTL.pdf](#)  
Attachment #14 to comment [#1187](#)

 [LTU Charts FDP.pdf](#)  
Attachment #15 to comment [#1187](#)

 [IACA CS-FTL v8 - Att 4 - Memo FDP Calculation.pdf](#)  
Attachment #16 to comment [#3868](#)

 [IACA CS-FTL v8 - Att 2 - Table B - Extended FDP.pdf](#)  
Attachment #17 to comment [#3868](#)

 [IACA CS-FTL v8 - Att 3 - Flowchart FDP Calculation.pdf](#)  
Attachment #18 to comment [#3868](#)

 [IACA CS-FTL v8.pdf](#)  
Attachment #19 to comment [#3868](#)

 [IACA CS-FTL v8 - Att 1 - Table A - Basic FDP.pdf](#)  
Attachment #20 to comment [#3868](#)

 [IACA CS-FTL v8 - Att 6 - Graph B - Extended FDP.pdf](#)  
Attachment #21 to comment [#3874](#)

 [IACA CS-FTL v8 - Att 5 - Graph A - Basic FDP.pdf](#)  
Attachment #22 to comment [#3874](#)

 [CS 2 FTL Short-Medium Haul.pdf](#)  
Attachment #23 to comment [#3933](#)

 [LTU EU-OPS 5 blank spots.pdf](#)  
Attachment #24 to comment [#1226](#)

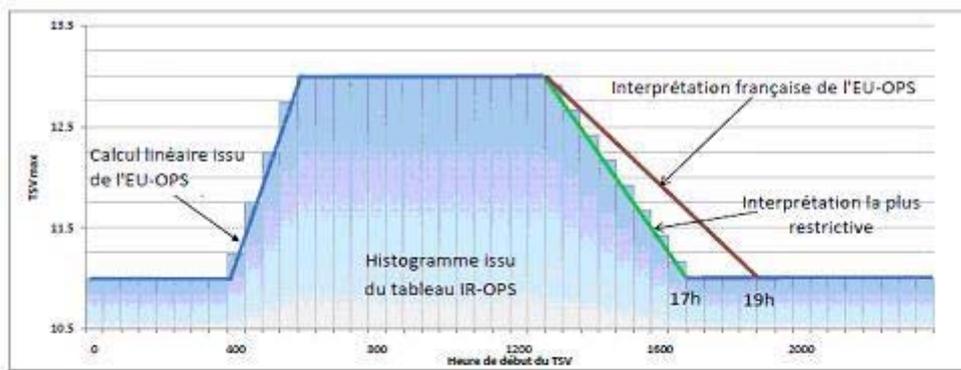
 [CS FTL.1.135.pdf](#)  
Attachment #1 to comment [#210](#)

 [LTU Memo - Calculation Basic FDP.pdf](#)  
Attachment #2 to comment [#1225](#)

 [LTU Charts FDP.pdf](#)  
Attachment #3 to comment [#1225](#)

 [LTU comments EASA CS-FTL.pdf](#)  
Attachment #4 to comment [#1225](#)

 [Arrêté du 25 mars 2008 version consolidee au 20081118.pdf](#)  
Attachment #5 to comment [#2234](#)



Attachment #6 to comment [#3182](#)

 [Request 1 Terminology20070729.pdf](#)  
Attachment #7 to comment [#2791](#)

 [Request 2 Trng and Qualif Req for OCP 20090729.pdf](#)  
Attachment #8 to comment [#2791](#)

 [Request 3 Pro-active Flt Watch Req20090729.pdf](#)  
Attachment #9 to comment [#2793](#)

 [Approval Acceptance2.pdf](#)  
Attachment #10 to comment [#1467](#)

 [Ryanair Familurisation Flights Proposal.pdf](#)  
Attachment #1 to comment [#2649](#)

 [EASA IATA FTL FRMS.pdf](#)  
Attachment #2 to comment [#3503](#)