



## TERMS OF REFERENCE

<b>Task No:</b>	RMT.0416 (former OPS.009a) and RMT.0417 (former OPS.009b)
<b>Issue:</b>	Issue 1
<b>Date:</b>	12 September 2011
<b>Regulatory reference:</b>	Commission Regulation (EC) No 859/2008 - EU-OPS <sup>1</sup>
<b>Reference documents:</b>	<ul style="list-style-type: none"><li>• Draft Regulation on Air Operations;<ul style="list-style-type: none"><li>- Annex I, DEF (definitions),</li><li>- Annex III, Part-ORO (organisation requirements for air operations),</li><li>- Annex IV, Part-CAT (commercial air transport)<sup>2</sup>.</li></ul></li><li>• Draft Acceptable Means of Compliance (AMC) and Guidance Material (GM) on Air Operations, Annexes I, III and IV<sup>3</sup>.</li><li>• Draft Regulation on Air Operations, and draft AMC and GM on Air Operations;<ul style="list-style-type: none"><li>- Annex VI, Part-NCC (non-commercial operations of complex motor-powered aircraft),</li><li>- Annex VII, Part-NCO (non-commercial operations of other-than-complex motor-powered aircraft)<sup>4</sup>.</li></ul></li><li>• Draft Regulation on Air Operations, and draft AMC and GM on Air Operations;<ul style="list-style-type: none"><li>- Annex VIII, Part-SPO (specific operations)<sup>5</sup>.</li></ul></li><li>• European Action Plan for the Prevention of Runway Incursions<sup>6</sup>.</li></ul>

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<sup>1</sup> Commission Regulation (EC) No 859/2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirement and administrative procedures applicable to commercial transportation by aeroplane (OJ L 254, 20.9. 2008, p.1).

<sup>2</sup> Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing Implementing Rules for air operations. Available under <http://www.easa.europa.eu/agency-measures/opinions.php>.

<sup>3</sup> The Agency's Decision can only be published after the Commission Regulation has been amended based on Opinion No 04/2011. Therefore, for the resulting text at this stage see Comment Response Document (CRD) to Notice of Proposed Amendments (NPA) 2009-02b, 2009-02c and 2008-22c for an Agency Opinion on a Commission Regulation establishing the Implementing Rules for air operations of Community operators and 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 air operations of Community operators. Available under <http://easa.europa.eu/rulemaking/r-archives.php>.

<sup>4</sup> Comment Response Document (CRD), dated 30 August 2011, to Notice of Proposed Amendment (NPA) 2009-02b for an Agency Opinion on a Commission Regulation establishing the Implementing Rules for air operations of Community operators and 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 air operations of Community operators. Available under <http://easa.europa.eu/rulemaking/comment-response-documents-CRDs-and-review-groups.php>.

**1. Subject:**

Sterile flight deck procedures

**2. Problem / Statement of issue and justification; reason for regulatory evolution (regulatory tasks):**

The increase in traffic together with the complexity of airport layout has resulted in an increase in flight crew workload during the taxi phase. The challenge is to manage the flight crew workload to prevent runway incursions. Runway incursions have the potential to be catastrophic and therefore, there is a clear need for measures to improve the safety of ground operations.

As a result of the combined efforts of organisations within Europe representing all areas of aerodrome operations, the 'European Action Plan for the Prevention of Runway Incursions' (reference is given above) has been established. This action plan has been supported by leading European aviation organisations such as EUROCONTROL, AEA, ACI Europe, EASA, etc. The action plan contains detailed recommendations considering various aspects for preventing runway incursions. This includes aerodrome operator issues, aircraft operator issues, air navigation service provider issues, communication, technology, etc. Concerning taxiing, the action plan strongly advises that the taxi phase should be treated as a 'critical phase of flight' and proposes a definition of a 'sterile flight deck'.

In the draft OPS Regulations proposed to the Commission (the Agency's Opinion No 04/2011) taxiing is not a critical phase of flight for aeroplanes<sup>7</sup>. This is in contrast to the United States<sup>8</sup>.

The present rulemaking tasks (RMT.0416 and RMT.0417) are focused on air operations<sup>9</sup>. The aim of the tasks is to prevent runway incursions through the introduction of operational procedures and best practices for the taxi phase, including sterile flight deck procedures. Thereby, it is envisaged that the taxi phase becomes a critical phase of flight. In addition, for all critical phases of flight (including those already defined, such as take-off run, take-off flight path, final approach, missed approach, landing, including landing roll), the rules may need to be reviewed and new AMC and/or GM may be developed to provide elements to be considered by the operator when establishing sterile flight deck procedures as relevant to flight crew and cabin crew, respectively.

The present rulemaking activity is based on a proposal of the JAA Transition 'Operations Procedures Steering Group', and was submitted to the Agency in May 2007<sup>10</sup>.

This rulemaking activity addresses Safety Recommendation SPAN-2011-021<sup>11</sup> ('It is recommended that the European Aviation Safety Agency, in keeping with ICAO initiatives, introduce in its regulation the concept of a critical phase of flight and define those activities considered acceptable during said phases') as follows: It is envisaged to expand the concept of critical phases of flight (already introduced with the Agency's Opinion No 04/2011) to taxiing and to further define activities considered acceptable during critical phases of flight.

<sup>5</sup> The Agency is planning to publish the CRD in the fourth quarter 2011.

<sup>6</sup> Edition 2.0. Available under [https://www.eurocontrol.int/runwaysafety/public/standard\\_page/EuropeanAction.html](https://www.eurocontrol.int/runwaysafety/public/standard_page/EuropeanAction.html).

<sup>7</sup> Please note that for helicopters taxiing is a critical phase of flight in Europe. For the present definitions of critical phases of flight see Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing Implementing Rules for air operations, Annex I, DEF. Available under <http://www.easa.europa.eu/agency-measures/opinions.php>.

<sup>8</sup> 14 CFR part 121, section 121.542 and 14 CFR part 135, section 135.100.

### 3. Objective:

The main objective of the rulemaking tasks is the introduction of operational procedures and best practices for the taxi phase, including sterile flight deck procedures in order to prevent runway incursions. The tasks will also consider harmonising the perception of taxiing as a critical phase of flight for aeroplanes where at this stage there is a discrepancy between the European approach (the Agency's Opinion No 04/2011) and the United States. In addition, sterile flight deck procedures will be considered for other critical phases of flight.

Rules and AMC/GM on sterile flight deck procedures for the air operations regulatory framework will be developed along these guidelines:

1. To investigate whether the amendment of Implementing Rules is needed. If the answer is 'yes', to develop an Agency Opinion to the Commission for amending the Regulation establishing the Implementing Rules for air operations (DEF, Part-ORO, Part-CAT, Part-NCC, and, if appropriate, Part-NCO and Part-SPO) on sterile flight deck procedures (task No RMT.0416).
2. To amend the future Agency's Decisions on air operations (DEF, Part-ORO, Part-CAT, Part-SPA, Part-NCC and, if appropriate, Part-NCO and Part-SPO) in order to implement AMC and GM on sterile flight deck procedures (task No RMT.0417).
3. To coordinate with the Agency's section responsible for rulemaking in the field of aerodromes in order to clearly distinguish between the operations and the aerodrome aspects of runway incursions.

### 4. Specific tasks and interface issues (Deliverables):

Draft proposals to amend, as necessary, the Commission Regulation establishing the Implementing Rules for air operations and to amend the related AMC and GM.

### 5. Working Methods (in addition to the applicable Agency procedures):

Tasks to be carried out with a Group. However, since the tasks are neither very complex nor controversial, one meeting of the group should be sufficient.

### 6. Time scale, milestones:

NPA: 2012/Q4

CRD: 2013/Q3

Opinion: 2014/Q3

Decision: 2015/Q3

<sup>9</sup> Please note that the Agency's Preliminary Regulatory Impact Assessment (Pre-RIA) on OPS.009 (runway incursions), which was published in 2008, had a broader scope by considering operations and also aerodrome related aspects. It is envisaged that aerodrome related rulemaking issues will be taken into consideration by the Agency at a later stage.

<sup>10</sup> Please note that the Agency's Preliminary Regulatory Impact Assessment (Pre-RIA) on OPS.009 (runway incursions), which was published in 2008, was limited to operations on the ground.

<sup>11</sup> Safety Recommendation SPAN-2011-021 is an outcome of the investigation of the accident involving a McDonnell Douglas DC-9-82 at Madrid-Barajas Airport on 20 August 2008.