



## EDITORIAL

### Towards state of the art regulations on crew fatigue



It is well established that human performance is a key paradigm in aviation safety today, and fatigue is one of the main factors affecting human performance. It is crucial that safety regulations provide both flight and cabin crew with the best possible conditions to ensure they remain alert during all phases of the flight.

EASA has the double mandate to update Flight and Duty Time Limitations and rest requirements for commercial air transport with aeroplanes while taking into account recent scientific and medical evidence, and to further harmonise existing European requirements in order to provide a level-playing field for European airlines.

In addressing fatigue, the Agency aims to find a well-balanced set of rules, which ensure a safe work environment for crews and promote the high safety standards of European civil aviation.

In these times of economic difficulties and global competition, EASA also paid careful attention to find solutions that will not impair the competitiveness of Europe's airline industry.

I invite all stakeholders to carefully review the Agency proposal and provide their comments.

**Patrick Goudou, EASA Executive Director**

## The EASA Rulemaking Process Applied to Crew Fatigue Regulations

On 18 January this year, EASA published the Comment Response Document (CRD) on implementing rules on Flight and Duty Time Limitations and rest requirements for commercial air transport with aeroplanes, commonly known as FTL regulations.

The Agency issued a first proposal in the form of a Notice of Proposed Amendment (NPA) in December 2010 (NPA 2010-14) and received comments from a large number of stakeholders during the three month consultation phase which followed.

This CRD contains an updated set of FTL rules, which reflects the comments received and the extensive discussions that took place within the FTL expert group set up by EASA. This review group consisted of representatives from operators, national authorities and crew organisations.

The Agency also contracted three independent scientists to assess the original NPA proposal in order to ensure that the revision is based on the latest scientific evidence.

This CRD contains a summary of all comments received and also provides a link to all comments that have been submitted via the Agency's Comment Response Tool (CRT). This CRT is available for further comment by all interested stakeholders until 18 March 2012.

The final Opinion, including an amended Regulatory Impact Assessment (RIA) is expected to be published in early summer 2012.

Following the final Opinion, the proposed rule will enter the legislative process, where the Commission assisted by National Authorities under Parliamentary scrutiny will finalise and adopt the proposal.

It is important that stakeholders carefully assess this CRD and provide the Agency with input.



# Interview with Jean Marc Cluzeau, Head of Flight Standards



new regulations, but it is very important that we ensure that the future rules will provide a robust and realistic basis for European operators whatever the country they are based in.

**What are the three key improvements of this Comment Response Document (CRD) when compared to Subpart Q?**

In fact, the bulk of the proposal consists in regulating areas that were not yet covered by Subpart Q, such as augmented crew, standby, split duty and reduced rest. Some safety improvements to Subpart Q were also identified thanks to the review of a number of scientific publications, and the additional contribution of three independent scientists. In a nutshell, I can mention the reduction of the maximum allowable Flight Duty Period (FDP) at the most unfavourable starting times, the increase of the minimum rest for disruptive operations (including, early starts, late finishes and night duties) and a far more comprehensive set of rules addressing the effect of significant time zone crossing.

“The bulk of the proposal consists in regulating areas that were not yet covered by Subpart Q”

**When looking at the maximum flight duty period, how can the Agency justify an FDP of 14 hours at the most favourable time of the day compared to a maximum nine hour driving limit for European truck drivers?**

Such a comparison does not make sense. Firstly, the operational cockpit / cabin environment fundamentally differs from the truck driver's.

Secondly, scientists generally agree that a 14 hour FDP at the more favourable time of the day is safe if the crew is well rested: this is the reason why our proposal places emphasis on robust rest requirements. To give you an example, through the combination of different limitations, a long haul pilot systematically having 14 hours FPDs would have an

average of seven days of duty per month.

**The US Federal Aviation Administration (FAA) recently published its final pilot fatigue rule. Isn't the US approach allowing a maximum of nine hours of FDP at night safer than EASA's proposal, which would allow 11 hours?**

We have been in constant contact with our FAA colleagues during the development of our respective proposals. Both proposals are based on scientific data, but the approaches differ on some aspects. The US rules provide indeed less FDP at certain times of the day, but the EASA proposal provide significantly more rest than the US rules, which is coherent.

You simply can't compare two sets of FTL rule by isolating one parameter of a complex system.

**How do you ensure that the proposal does not have a negative impact on the competitiveness of Europe's airline industry?**

Careful attention has been paid to ensure that the proposal does not have a negative impact on the competitiveness of Europe's airline industry. Like the NPA, the final Agency proposal (the 'Opinion') will include a Regulatory Impact Assessment (RIA).

**Do you mean that there is a trade-off between economic and safety concerns?**

Definitely not: simply, when it identifies the need to improve a safety element, the Agency reviews several ways to address it. A RIA identifies the options that provide the best safety improvement, while having the least economic and social impact.

**What about Fatigue Risk Management (FRM)?**

There was a consensus in the rulemaking group to focus on a robust prescriptive set of rules rather than non-prescriptive rules associated with FRM. I believe this is a wise approach. The operators wishing to derogate from certain regulatory provisions will need an FRM.

We should not forget that all EU Operators will soon be required to have a Safety Management Systems (SMS). Under an SMS, managing all risks means also managing the risk of crews being fatigued.

**The new rules would amend the existing set of rules known as 'Subpart Q'. Does this mean that the current rules are unsafe and are not based on scientific principles?**

If EASA had any safety concern about the existing rules, it would have taken immediate action. This is not the case. However, the Agency has a mandate to review these rules in light of the latest scientific and medical evidence. As a regulator, we always need to look ahead and seek for continuous improvement of our rules.

Furthermore, Subpart Q has left a number of issues to national rules and therefore does not provide a level-playing field. The new harmonised EASA FTL rules will, for the first time, offer a coherent set of coherent rules that will apply in all EU Member States.

**Did the NPA receive many comments from stakeholders?**

The NPA attracted many comments from individual pilots and cabin crew, who are of course directly affected by future FTL rules. Some 98.6% of comments originated from stakeholders from one Member State, which currently does not apply Subpart Q by derogation.

I do not underestimate the effort of adapting to