



European Aviation Safety Agency

Explanatory Note to Decision 2015/005/R

Sterile flight deck procedures

Transfer of JAA cabin safety tasks

In-flight security

'AMC and GM to Part-ORO — Issue 2, Amendment 1'

29.01.2015



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Sterile flight deck procedures

RELATED NPA/CRD 2012-06 — OPINION No 05/2103 — RMT.0417 (OPS.009(B))

EXECUTIVE SUMMARY

This Decision addresses a safety issue related to flight deck procedures. The safety recommendations linked to this issue were assessed during the development of this proposal.

The specific objective of this Decision is to mitigate the risks linked to errors due to disturbance or distraction of the flight crew during phases of flight where the flight crew must be able to focus on their duties.

This Decision introduces the concept of a sterile flight deck.

The proposed changes are expected to increase safety during critical phases of flight (for helicopters per definition taxiing is included), for aeroplanes during taxiing, and for flight below 10 000 feet, except cruise flight. With the proposed changes, compliance with ICAO is ensured.

Applicability		Process map	
Affected Regulations and Decisions:	Decision 2014/017/R (Part-ORO)	Concept Paper:	No
Affected stakeholders:	Operators	Terms of Reference	12.9.2011
Driver/origin:	Safety	Rulemaking group:	Yes
Reference:	Safety Recommendations: SPAN-2011-021 and SPAN-2011-22	RIA type:	Light
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	11.7.2012
		Duration of NPA consultation:	3 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the CRD:	13.2.2013
		Publication date of the Opinion:	12.6.2013



Sterile flight deck procedures

1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the ‘Agency’) developed this Decision in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the ‘Basic Regulation’) and the Rulemaking Procedure².

This rulemaking activity is included in the Agency’s 4-year Rulemaking Programme under RMT.0417 (OPS.009(b))³. The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The text of this Decision has been developed by the Agency supported by the Rulemaking Group RMT.0416 (OPS.009(a)) and RMT.0417 (OPS.009(b)). All interested parties were consulted through the Notice of Proposed Amendment (NPA) 2012-06⁴. 134 comments were received from interested parties, including industry and National Aviation Authorities.

The Agency has addressed and responded to the comments received on the NPA. The comments received and the Agency’s responses are documented in the Comment-Response Document (CRD) 2012-06⁵.

The final text of this Decision with the Acceptable Means of Compliance (AMC) and Guidance Material (GM) has been developed by the Agency.

The process map on the title page summarises the major milestones of this rulemaking activity.

1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. The text of the AMC/GM is annexed to the Decision.

¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

² The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency’s Management Board and is referred to as the ‘Rulemaking Procedure’. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012.

³ Rulemaking Programme available at <http://easa.europa.eu/rulemaking/annual-programme-and-planning.php>.

⁴ In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure; NPA available at <http://easa.europa.eu/rulemaking/r-archives.php>.

⁵ CRD available at <http://easa.europa.eu/rulemaking/r-archives.php>.



2. Explanatory Note

2.1. Overview of the issues to be addressed

The issues to be addressed are described in detail in NPA 2012-06 and also in Opinion No 05/2012⁶. Therefore, only a brief overview is provided in this Decision.

Over the years, it has been identified that an accident or an incident may occur when the flight crew divert their attention from the task at hand and get occupied with activities not directly related to the current phase of the flight. Such activities are extraneous conversations, cabin crew calls on non-essential matters, non-pertinent radio calls, public address announcements, etc. Clearly, the chance of error increases when the flight crew are disturbed or distracted from their main responsibilities. Consequences that could result from such a disturbance or distraction include altitude deviations, course deviations, runway transgressions, and take-offs or landings without clearance.

In light of the safety risk, the flight crew must be able to focus on their duties without being disturbed or distracted by non-flight related matters, whenever necessary, during movement of the aircraft. This holds especially for safety-critical phases of the flight. Implementing Rules (Commission Regulation (EU) No 965/2012) and associated AMC/GM for air operations are in force. However, even with these measures, the following elements are not included in the regulatory framework:

- a. the concept of a **sterile flight deck**;
- b. the taxi phase of aeroplanes as a **safety-critical activity**; and
- c. **procedures for taxiing** to enhance runway safety.

The need to consider these elements has been briefly described above and has been explained in detail in NPA 2012-06. The Agency summarised the present rulemaking tasks under the title 'Sterile flight deck procedures'.

This Decision introduces the concept of a sterile flight deck by inserting AMC/GM in Annex III (Part-ORO). Other Decisions, related to the subject under the title 'Sterile flight deck procedures' introduce AMC/GM in Annex I (Definitions), Annex IV (Part-CAT), Annex VI (Part-NCC), Annex VII (Part-NCO) and Annex VIII (Part-SPO).

2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Paragraph 2.1. The specific objective of this Decision is, therefore, to mitigate the safety risk by introducing sterile flight deck procedures.

2.3. Outcome of the consultation

As mentioned above, the Agency has received 134 comments on NPA 2012-06. A detailed description of the changes resulting from these comments is provided in CRD 2012-06. On CRD 2012-06 the Agency received 5 reactions in total. The following 3 reactions are related to Annex III (Part-ORO):

⁶ Opinion available at <http://easa.europa.eu/agency-measures/opinions.php>.



- a. One commentator pointed out that the pilot-in-command or commander shall be able to require sterile flight deck procedures not only during critical phases of flight⁷, but also during other phases of flight when deemed necessary. The Agency accepted this proposal and inserted in paragraph (b) of AMC1 ORO.GEN.110(f), describing when sterile flight deck procedures should be applied, the provision ‘during any other phases of flight as determined by the pilot-in-command or commander’.
- b. The same commentator:
 - questioned the meaning of the phrase ‘preparing food or drinks’ in subparagraph (b)(2)(v) of GM1 ORO.GEN.110(f), and asked for further clarification in the AMC/GM; and
 - proposed to delete the list of examples in subparagraph (b)(2) of GM1 ORO.GEN.110(f)⁸, since the commentator sees no need for having such a list.

The Agency partly accepted the proposals. Following further internal discussion, the Agency decided as follows:

- The list of activities that should not be performed is reduced to three items which are considered not being obvious. The item ‘preparing food or drinks’ has been deleted.
- The list of activities that may be performed has been removed. The Agency came to the conclusion that flight crew knows which activities are permitted (‘airmanship’).
- c. One other commentator raised concerns with the provision that ‘(navigational) programming of the Flight Management System (FMS)’ should not be performed ‘unless required for safety reasons’ (subparagraph (b)(2)(vii) of GM1 ORO.GEN.110(f)). According to the commentator, this provision would cause confusion about the activities allowed concerning programming of the FMS. The Agency accepted the reaction of the commentator and deleted the provision.

2.4. Summary of the Regulatory Impact Assessment (RIA)

The options identified in the Regulatory Impact Assessment (RIA)⁹ were as follows:

- a. Option 0: Baseline option (no change; risks remain as outlined in the issue analysis).
- b. Option 1: No rulemaking, but encouraging operators to establish procedures, as needed.
- c. Option 2: Rulemaking for sterile flight deck procedures for all critical phases of flight, for taxiing of aeroplanes and for flight below 10 000 feet, except cruise flight, by amending Implementing Rules, AMC, and GM, as appropriate.

Taxiing of aeroplanes is treated as a safety-critical activity, but it is not defined as a critical phase of flight.

- d. Option 3: Rulemaking for sterile flight deck procedures for all critical phases of flight and for flight below 10 000 feet, except cruise flight, by amending Implementing Rules, AMC, and GM, as appropriate.

⁷ The definition of ‘Critical phases of flight’ contains the phrase ‘...and any other phases of flight as determined by the pilot-in-command or commander’.

⁸ This list contains examples of activities that should not be performed.

⁹ For details of the RIA, see Section C of NPA 2012-06.



Taxiing of aeroplanes is defined as a critical phase of flight.

The most important impacts identified in the RIA for each option are the safety, the economic and the harmonisation impact. In the RIA it was concluded that Option 2 is the preferred option. The main reason is that this option leads to a high reduction of the safety risk with a reasonable impact on costs. The costs of Option 3 are expected to be significantly higher than the ones of Option 2 due to the additional burden of defining taxiing as a critical phase of flight, while the reduction of the safety risk is only slightly lower. In addition, Option 2, in contrast to Options 0 and 1, does not deviate from internationally acknowledged manuals and action plans. It should be noted, however, that Option 2 means no full harmonisation with the relevant U.S. Regulation.

2.5. Overview of the amendments

Following the reactions described above, and compared to the proposed AMC/GM in CRD 2012-06, the Agency modified the AMC/GM of Annex III (Part-ORO) as described in Paragraph 2.3. In addition, editorial changes, not only related to the substantial amendments of this Decision, have been made. The final text is provided in a separate Annex to this Decision.



3. **References**

3.1. **Related Regulations**

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

3.2. **Affected Decisions**

Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ORO of Commission Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012. Available at <http://easa.europa.eu/agency-measures/agency-decisions.php>.



Transfer of JAA cabin safety tasks

RELATED NPA 2012-12/CRD TO NPA 2012-12 — OPINION No 09/2013 — RMT.0328 (OPS.058(b))

EXECUTIVE SUMMARY

This Decision addresses amendments to Decision 2014/017/R containing Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Part-ORO. The specific objective is to maintain a high level of safety and a level playing field with regard to the following issues:

1. Incapacitation and replacement of senior cabin crew member (SCCM).
2. Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members.

Both tasks were initiated by the Joint Aviation Authorities (JAA) and were transferred to the Agency after JAA ceased its activities.

Incapacitation and replacement of SCCM

This Decision clarifies the intent of paragraph ORO.CC.200(e), transposed from EU-OPS 1.1000(d), which requires an operator to establish procedures on the replacement of SCCM in case the nominated individual becomes ‘unable to operate’. The absence of complementing AMC and GM results in various interpretations by EU operators leading to non-compliance with Regulation (EU) No 965/2012. The specific objective of this Decision is to ensure the correct interpretation and application of the regulatory requirement by European operators by clarifying the intent of the rule.

Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members

This Decision contains a new AMC and GM to the regulatory requirement ORO.GEN.110(e). The specific objective is to require a qualified person on board the aircraft during ground operations with passengers embarking, on board or disembarking in the absence of flight crew members. The qualified person will establish and coordinate communication with aerodrome services in case of urgent need or emergency on board that aircraft.

The clarification is expected to maintain and to increase safety. ICAO expressed support to both proposals during the public consultation of NPA 2012-12.

Applicability		Process map	
Affected regulations and decisions:	Decision 2014/017/R	Concept Paper:	No
Affected stakeholders:	Air operators; aerodromes; national aviation authorities	Publication date of the ToR:	26.9.2011
Driver/origin:	Legal obligation	Rulemaking group:	No
Reference:	Opinion No 09/2013; CRD to NPA 2012-12; NPA 2012-12; NPA-OPS 62; EASA Rulemaking Proposal Form of 4 May 2007	RIA type: Technical consultation during NPA drafting:	Light No
		Publication date of the NPA:	2012/Q3
		Duration of NPA consultation:	3 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the Opinion:	2013/Q3



Transfer of JAA cabin safety tasks

4. Procedural information

4.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the ‘Agency’) developed this Decision in line with Regulation (EC) No 216/2008¹⁰ (hereinafter referred to as the ‘Basic Regulation’) and the Rulemaking Procedure¹¹.

This rulemaking activity is included in the Agency’s Rulemaking Programme under RMT.0328 (OPS.058(b)).

The two separate issues addressed by this Decision were initiated by the JAA. The task on incapacitation and replacement of SCCM was discussed at the Air Safety Committee in 2007. The Committee concluded that the task be transferred to the Agency for introduction into the future Implementing Rules (IRs).

The task on communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members was a proactive safety initiative to address the non-existence of a regulatory requirement.

When the JAA ceased its activities, both tasks were transferred to the Agency and merged into one rulemaking task. Due to their progress under the JAA and the availability of Agency resources, it was decided that the rulemaking task would be conducted as an ‘Agency task’.

The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The draft text of this Decision has been developed by the Agency. All interested parties were consulted through NPA 2012-12¹² which included the Regulatory Impact Assessment (RIA) and was published on 29 August 2012. The public consultation period ended on 29 November 2012. The Agency received 39 comments from interested parties, including ICAO, FAA, national aviation authorities, professional organisations and private companies. ICAO expressed support to both proposals of NPA 2012-12, and so did EU national aviation authorities and a professional organisation.

The Agency has carefully reviewed all the comments received. The comments, and the Agency’s responses, are presented in Comment-Response Document (CRD) to NPA 2012-12¹³. The CRD was published on 20 March 2013 and the reaction period ended on 21 May 2013. The Agency received 14 reactions from national aviation authorities, an aircraft manufacturer, industry and a professional organisation.

¹⁰ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

¹¹ The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency’s Management Board and is referred to as the ‘Rulemaking Procedure’. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012 of 13 March 2012.

¹² In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure.

¹³ <http://easa.europa.eu/system/files/dfu/CRD%202012-02.pdf>



The Agency's progress on the task resulted in Opinion No 09/2013 published on 2 October 2013.

In 2014, the EASA Committee decided not to amend the IR, but instead to address both issues at AMC level.

The final text of this Decision has been developed by the Agency.

The process map on the title page summarises the major milestones of this rulemaking activity.

4.2. Structure of the related documents

Chapter 4 of this document contains the procedural information related to this task. Chapter 5 'Explanatory Note' explains the core technical content including a summary of the RIA. Chapter 6 provides regulatory references.

The text of the AMC/GM is annexed to the Decision.



5. Explanatory Note

This Decision contains amendments to Decision 2014/017/R ‘Part-ORO’.

5.1. Overview of the issues to be addressed

This Decision addresses the following issues:

5.1.1 Incapacitation and replacement of SCCM

In 2005, the Central Joint Aviation Authorities (CJAA) received an enquiry referring to at that time applicable *JAR-OPS 1.1000(d) Senior cabin crew members*. The enquiry addressed the lack of clarity of the referenced paragraph resulting in conflicting interpretations by European operators leading to operational misapplications, e.g. replacing an SCCM for the period of absence from work by a cabin crew member not qualified as an SCCM. The CJAA concluded that proper understanding of the requirement could only be achieved by referring to several other paragraphs of JAR-OPS and could, therefore, lead to different interpretations and possible non-compliance.

The referenced text of JAR-OPS 1.1000(d) was transposed into Regulation (EC) No 859/2008 (hereinafter referred to as ‘EU-OPS’) in OPS 1.1000(d), which entered into force in 2008. The same text was further transposed into Regulation (EU) No 965/2012.

The enquiry sent to the CJAA called for clarification of the following three questions:

1. ‘in the event of the nominated senior cabin crew member becoming unable to operate – does ‘becoming unable’ refer to incapacitation occurring in flight, or a few hours, or days before?’
2. ‘select the next most suitably qualified cabin crew member to operate as senior cabin crew member – how long is this substitution allowed, e.g. single sector, or round trip, or all rostered flights for the month?’
3. ‘does JAR-OPS 1.1000 disallow any flights to depart from base with an SCCM substitute, i.e. if a cabin crew member replaces a SCCM, must he/she be replaced by a SCCM once he/she has a stopover at base?’

This Decision provides clarification in the three areas:

1. Replacement of SCCM who did not report for, or cannot commence the assigned flight or series of flights originating from a base of the operator, e.g. an SCCM collapsing during the pre-flight briefing or during boarding. The operator needs to ensure that a sufficient number of appropriately qualified personnel (in this case SCCM) is on standby to efficiently react to such circumstances. As the operator has the means at its base to replace the incapacitated SCCM, the flight departs with another SCCM assigned to operate that flight.
2. Replacement of SCCM who becomes incapacitated or unavailable. NPA 2012-12 and CRD to NPA 2012-12 differentiate between the two, as unforeseen occurrences can relate to inability to perform duties during the flight or to inability to report for flight duty period when at a stopover (layover) destination.
3. Clarification on the replacement by the ‘most appropriately qualified cabin crew member’ to act as SCCM, if the nominated SCCM becomes incapacitated or unavailable. Replacement by the



most appropriately qualified cabin crew member is limited for the aircraft to reach a base of the operator where another SCCM should be assigned to take over.

This Decision also provides Guidance Material on the measures the operator may take to ensure that another SCCM is assigned without undue delay and explains the term 'flight or series of flights' used in the AMC and GM.

Incapacitation vs unavailability

This Decision, in the newly developed GM, clarifies the difference between *incapacitation* and *unavailability* as unforeseen circumstances. In NPA 2012-12, this clarification was linked to ORO.CC.200(e), therefore only referred to an SCCM. Based on a comment received to NPA 2012-12, this clarification was extended to also include cabin crew members; therefore, it is now linked to ORO.CC.205(b)(2) which deals with reduction of the minimum required number of cabin crew in unforeseen circumstances (incapacitation and unavailability).

Incapacitation refers to unforeseen occurrences during the actual flight operation that preclude the individual (SCCM or cabin crew member) from performing his/her duties. There may be another SCCM on the same flight who would take over the duties and responsibilities of the incapacitated SCCM. There may not be another SCCM on the same flight and the most appropriately qualified cabin crew member should take over in order to reach a base of the operator where another SCCM should replace him/her. The most appropriately qualified cabin crew member should have adequate operational experience as a cabin crew member for the conduct of duties required of an SCCM and should be qualified on the particular aircraft type/variant.

Unavailability refers to unforeseen occurrences at a stopover (layover) destination that preclude the individual (SCCM or cabin crew member) from reporting for the flight duty period. If the layover stop is one of the operator's bases, the operator will have the means to assign a replacement — another SCCM. If the layover stop is not one of the operator's bases, the operator should use the available time and resources to replace the unavailable SCCM with another SCCM. If a replacement is not possible in the case of an SCCM, the most appropriately qualified cabin crew member will be assigned in order to reach a base of the operator.

If the incapacitation/unavailability of the SCCM or of a cabin crew member leads to a situation where the remaining operating cabin crew complement falls below the minimum required number of cabin crew for the particular aircraft type/variant, ORO.CC.205(b)(2) applies. The operator shall submit a report to the competent authority.

This Decision clarifies the intent of ORO.CC.200(e) and shall enter into force on 1 May 2015. The transition date should provide operators in need with respective time to review their operations manuals.

5.1.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members

The proposal to initiate this task was presented to the JAA by the JAA's Operations Procedures Steering Group (OPSG) in 2007. The proposal represented a proactive safety initiative as a result of the identification of a safety need to prevent accidents/incidents that may occur in the future and to address the gap of non-existence of regulatory requirements to cover these circumstances. Currently, the operational requirement specifies that a qualified person shall be on board the aircraft during



fuelling operations when passengers are embarking, on board or disembarking. Another operational requirement requires the minimum required number of cabin crew to be on board whenever any passengers are on board; this number can be reduced provided at least one member of the flight crew is in the flight crew compartment.

Should there be an urgent need or an emergency on board that aircraft, the necessary communication with aerodrome services in the above cases will be established and coordinated by the qualified person or by the flight crew member(s).

The operational requirements, however, do not cover circumstances when cabin crew and passengers are on board, fuelling operations are not in progress and flight crew members are absent. This situation poses the question as to who can notify the aerodrome services about the urgent need or the emergency on board and by what means. The operational requirements neither address the need of flight crew members to be on board when passengers are on board (except for the case of reduction of the minimum number of cabin crew), nor do they address the requirement for a qualified person to be on board when flight crew members are absent.

This Decision contains a new AMC and GM to the regulatory requirement ORO.GEN.110(e). It requires the operator to establish procedures to alert aerodrome services in the event of ground emergency or urgent need on board an aircraft and at least one person on board the aircraft to be qualified to apply the communication procedures and to ensure proper coordination between the aircraft and the aerodrome services. The text provides the operator with the flexibility to decide who the qualified person will be and which unit of the ‘aerodrome services’ the qualified person will contact (taking into account the information published by the aerodrome).

Aerodrome services

This Decision introduces the term ‘aerodrome services’ in a new GM. Since Regulation (EU) No 139/2014 on Aerodromes does not use the collective term ‘aerodrome services’, this term was created within the scope of this task and is based on ICAO Annex 14.

This Decision containing AMC and GM to ORO.GEN.110(e) shall enter into force on 1 February 2016. The transition date should provide stakeholders with sufficient time to implement the new requirements.

5.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2. The specific objective of this proposal is:

5.2.1 Incapacitation and replacement of SCCM

The objective is to clarify the intent of the regulatory requirement ORO.CC.200(e) by means of complementing AMC and GM to ensure it is clearly expressed and cannot be misunderstood or interpreted in multiple ways by operators. Coordination of cabin safety and of all cabin-related matters with cabin crew, flight crew and with all ground personnel involved in dispatching the aircraft for a flight is conducted by an SCCM and in exceptional circumstances (in order to reach a base of the operator) by an experienced cabin crew member.



5.2.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members

The objective is to ensure that communication can always be established between an aircraft and aerodrome services when passengers are embarking, on board or disembarking in the absence of flight crew members, hence, preventing potentially serious consequences due to limited or no means of alerting the required assistance. This will be achieved by developing AMC and GM to ORO.GEN.110(e) requiring a qualified person on board the aircraft in the absence of flight crew members during ground operations with passengers embarking, on board or disembarking, who will establish and coordinate communication with aerodrome services in case of urgent need or emergency.

5.3. Outcome of the consultation

Please refer to point 2.3 of Opinion No 09/2013.

5.4. Summary of the Regulatory Impact Assessment (RIA)

The below contains a summary of the RIA as included in NPA 2012-12.

5.4.1 Incapacitation and replacement of SCCM

Safety impact

All cabin crew members undergo the qualification-required training, and from the aspect of managing their own safety duties and responsibilities there is hardly any impact as cabin crew members are trained to manage any normal, abnormal and emergency situation.

In addition to the qualification training all cabin crew members must undergo, a cabin crew member promoted to the position of an SCCM is required to further undergo training in accordance with ORO.CC.200(b) and (c) covering all duties and responsibilities of an SCCM. Absence of an SCCM on a flight and replacement by *any* cabin crew member who lacks the required training, knowledge, experience and skills may result in ineffective CRM within the operating crew team and ground personnel and in increased stress for the cabin crew member who is assigned to take over the role of an SCCM. This may reflect on flight safety due to incorrect decisions on coordination of cabin safety-related matters or incorrect actions. It may further reflect on the working atmosphere, human factors and performance of cabin crew members who work under the leadership of the insufficiently qualified cabin crew member. It may reflect on flight crew and ground personnel approach when dealing with the cabin crew member *in charge* who is not fully aware and trained on the scope of duties and responsibilities of an SCCM.

Economic impact

Regulatory requirements mandate the operator to employ a sufficient number of properly trained personnel for ground and flight operations. No economic impact is expected, as a result of clarifying the text of the applicable regulatory requirement to prevent misapplication and non-compliance, for those operators who interpret the regulatory requirement correctly. Limited economic impact related to training costs (SCCM training) is expected for those operators who interpret the regulatory requirement in such a way that leads to non-compliance.

Environmental impact

No environmental impact has been identified.



Proportionality

The AMC and GM on the incapacitation and replacement of SCCM contained in this Decision only concern commercial air transport.

Regulatory coordination and harmonisation

Not applicable.

5.4.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members

Safety impact

Other than the instances of refuelling/defueling and reduction of the minimum required cabin crew, a qualified person is not required to be on board during ground operations when passengers are embarking, on board or disembarking and flight crew members are absent.

There may be cases of urgent needs happening on board the aircraft which would need to be reported immediately as they would require the attention of specifically qualified personnel (e.g. medical, security, police, cabin maintenance, etc.). Ground handling personnel may not be around and cabin crew members are isolated on board with passengers with limited means to establish the necessary contact, e.g. using a mobile phone to contact the operator's offices. The time is progressing and the urgent need may turn into an emergency. Cabin crew are trained on how to deal with various emergencies; however, the regulatory requirements do not require them to be trained in the operation of aircraft flight crew compartment installed communication system or walkie-talkies in order to establish communication with aerodrome services using radio frequencies. Restricted means to establish the necessary communication immediately when required may have an impact on safety of the aircraft occupants.

This Decision ensures that the safety of aircraft occupants is not jeopardised through non-existent or limited means of communicating the need for help to aerodrome services when flight crew members are absent. This Decision specifies that a qualified person should always be present on board and will have the adequate means to establish the necessary communication with aerodrome services in case of urgent need or emergency on board, hence, preventing possible serious consequences.

Economic impact

The qualified person could be, e.g. cabin crew members or SCCM(s), maintenance personnel, ground operations aerodrome personnel, etc. That person would require, e.g. training in the use of installed flight crew compartment communication system or walkie-talkies in order to establish communication with aerodrome services via radio frequencies.

In the case of cabin crew members or SCCMs, such training would be included in the required operator conversion/differences training, familiarisation or, in the case of an SCCM, in the SCCM training. A practical training in the communication with aerodrome services via radio frequencies using the flight crew compartment installed communication system or walkie-talkies has insignificant economic impact.

In the case of maintenance personnel: the aircraft type training for maintenance personnel includes the operation of flight crew compartment installed communication system; the aircraft type rating is



endorsed in the individual's licence. No economic impact is expected with regard to aircraft type-rated maintenance personnel.

The specific task-trained maintenance personnel who do not hold the particular aircraft type rating would require such training with insignificant economic impact.

In the case of aerodrome ground operations personnel, the use of walkie-talkies is common; the training in the installed flight crew compartment communication system via radio frequencies would be required, with insignificant economic impact.

No economic impact is expected in the case of utilising the qualified personnel, other than the flight crew members, required to man the aircraft in case of fuelling operations when passengers are embarking, on board or disembarking.

The option for a qualified person is sufficiently flexible and the regulatory requirement can be estimated to be cost-efficient.

Environmental impact

No environmental impact has been identified.

Proportionality

Not applicable.

Impact on regulatory coordination and harmonisation

Not applicable.

5.5. Overview of the amendments

5.5.1 Incapacitation and replacement of SCCM

The content of Opinion No 09/2013 has been transposed to AMC and GM included in this Decision, therefore the AMC and GM reflected in CRD to NPA 2012-12 have been modified:

This Decision includes:

- (a) a new AMC1 containing provisions with regard to 'unable to operate' — replacement of an SCCM at a base of the operator and replacement of an incapacitated or unavailable SCCM;
- (b) a new AMC2 on the selection of the most appropriately qualified cabin crew member to replace the incapacitated or unavailable SCCM so that the aircraft can return to a base of the operator;
- (c) a new GM1 on appropriate measures the operator should take to ensure that another SCCM is assigned without undue delay;
- (d) a new GM2 explaining the term 'flight or series of flights' used in this Decision; and
- (e) a new GM1 ORO.CC.205(b)(2) explaining unforeseen circumstances — incapacitation and unavailability.

The term 'senior cabin crew member' continues to be used instead of the acronym 'SCCM' proposed in Opinion No 09/2013.



5.5.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members

The proposal included in Opinion No 09/2013 has been transferred to AMC and GM which are included in this Decision. This Decision contains:

- (a) a new AMC2 to ORO.GEN.110(e); and
- (b) a new GM2 to ORO.GEN.110(e) explaining the term 'aerodrome services'.



6. References

6.1. Related Regulations

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

6.2. Affected Decisions

Decision 2014/017/R on Acceptable Means of Compliance and Guidance Material to Part-ORO (OPS — Annex III).

6.3. Reference documents

- Opinion No 09/2013,
- CRD to NPA 2012-12,
- NPA 2012-12,
- EASA Safety analysis report for RMT.0327 and RMT.0328 based on data retrieved from the EASA copy of the ICAO ADREP database,
- JAA NPA-OPS 62,
- EASA Rulemaking Proposal Form of 4 May 2007.



In-flight security

RELATED NPA/CRD: N/A

This Decision closes the identified gap between the air operations Regulation (EU) No 965/2012 and in-flight security items previously included in Regulation (EC) No 859/2008 (EU-OPS).

The specific objective of this Decision is to mitigate the risks posed by the fact that crews are not trained on in-flight security items and that an operator is granted an AOC without an approved security programme.

Today, at EU level, in-flight security is regulated by different regulations. This Decision ensures that Regulation (EU) No 965/2012 is aligned with:

- ICAO SARPs of Annex 6, Part I and Part III, on in-flight security training of crews (flight & cabin crew);
- Regulation (EC) No 300/2008 on civil aviation security to ensure that the operator's security programme is submitted to the competent authority as part of granting the AOC; and
- Regulation (EC) No 300/2008 on civil aviation security regarding a security training programme for ground personnel.

The changes do not originate from a rulemaking task. Instead, the Agency had been tasked by Member States and the Commission to establish this Decision urgently. This Decision takes on board the comments received during a fast-track consultation with Member States and industry stakeholders.

Applicability		Process map
Affected Regulations and Decisions:	Decision 2014/017/R (Part-ORO)	Concept Paper: No Terms of Reference No Rulemaking group: No RIA type: N/A
Affected stakeholders:	Operators	Technical consultation: Yes Publication date of the NPA: N/A Duration of NPA consultation: N/A Review group: N/A Focussed consultation: Yes
Driver/origin:	Alignment with ICAO SARPs and Manuals and with Regulation (EC) No 300/2008 on civil aviation security	Publication date of the CRD: N/A Publication date of the Opinion: N/A
Reference:	Regulation (EC) No 216/2008, Annex IV, 8d; ICAO Annex 6, Part I; Regulation (EC) No 300/2008	



In-flight security

7. Procedural information

7.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the ‘Agency’) developed this Decision in line with Regulation (EC) No 216/2008¹⁴ (hereinafter referred to as the ‘Basic Regulation’).

This rule-amendment task was initiated on short notice on request of Member States and the European Commission, and did not follow in full terms the Rulemaking Procedure¹⁵. Instead, the Acceptable Means of Compliance (AMC) and Guidance Material (GM) on in-flight security have been discussed on the occasion of the EASA Committee¹⁶ and have been subject to a fast-track consultation with Member States and industry stakeholders.

The final text of this Decision with the Acceptable Means of Compliance (AMC) and Guidance Material (GM) has been developed by the Agency.

The process map on the title page summarises the major milestones of this rulemaking activity.

7.2. Structure of the related documents

Chapter 7 contains the procedural information related to this task. Chapter 8 explains the core technical content. The text of the AMC/GM is annexed to the Decision.

¹⁴ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

¹⁵ The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency’s Management Board and is referred to as the ‘Rulemaking Procedure’. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012.

¹⁶ Meeting of the EASA Committee on 7–8 May 2014. The EASA Committee is established by Article 65 of the Basic Regulation.



8. Explanatory Note

8.1. Overview of the issues to be addressed

This Decision closes the identified gap between the air operations Regulation (EU) No 965/2012 and the in-flight security items previously included in Regulation (EC) No 859/2008 (EU-OPS), the latter one now being revoked. Today, in-flight security is addressed by different regulations, such as:

- Regulation (EC) No 300/2008 on civil aviation security which includes a high-level essential requirement on in-flight security, but no implementing acts on in-flight security;
- Regulation (EC) No 300/2008 on civil aviation security which includes provisions regarding a security training programme for ground personnel;
- the essential requirements of Regulation (EC) No 216/2008 which list a number of high-level requirements that must be included in an operator's security programme;
- ICAO SARPs of Annex 6, Part I (International Commercial Air Transport — Aeroplanes) and Part III (International Operations — Helicopters), which list a number of requirements, especially with regards to in-flight security training, which are neither reflected in Regulation (EC) No 965/2012 nor in the civil aviation security Regulation (EC) No 300/2008.

The specific objective of this Decision is to mitigate the risks posed by the fact that crews are not trained on in-flight security items and that an operator is granted an AOC without an approved security programme.

Therefore, this Decision ensures the alignment of Regulation (EU) No 965/2012 with:

- ICAO SARPs of Annex 6, Part I and Part III, on in-flight security training of crews (flight and cabin crew);
- Regulation (EC) No 300/2008 on civil aviation security to ensure that the operator's security programme is submitted to the competent authority as part of granting the AOC;
- Regulation (EC) No 300/2008 on civil aviation security regarding a security training programme for ground personnel.

8.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined above. The specific objective of this Decision is, therefore, to align the air operations rules with the ICAO SARPs and Regulation (EC) No 300/2008 on civil aviation security.

8.3. Outcome of the consultation

The fast-track consultation on aviation in-flight security attracted comments from 10 Member States, 4 aviation industry associations, 1 European trade union, 1 individual operator and 1 aircraft manufacturer. While most commentators agreed with the Agency's proposal, they stressed the point that the proposed provisions are aligned with Regulation (EC) No 300/2008 on civil aviation security to avoid any duplications. The Agency has taken this position on board and made the links with Regulation (EC) No 300/2008 even clearer.



8.4. Summary of the Regulatory Impact Assessment (RIA)

This Decision has not been subject to a RIA due to its urgency and the direct tasking of the Agency by the Commission and the EASA Committee.

8.5. Overview of the amendments

Following the reactions described above, and compared to the draft AMC/GM proposed for the fast-track consultation, the Agency modified the AMC/GM of Annex III (Part-ORO) as described in Paragraph 8.3 above.



9. References

9.1. Related Regulations

- Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).
- Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).
- Regulation (EC) No 300/2008 of 11 March 2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).
- ICAO Annex 6 to the Convention on International Civil Aviation, Operation of Aircraft, Part I (International Commercial Air Transport — Aeroplanes) and Part III (International Operations — Helicopters).
- ICAO Manual on the Implementation of the Security Provisions of Annex 6 (Doc 9811 – Restricted).

9.2. Affected Decisions

Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ORO of Commission Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012. Available at <http://easa.europa.eu/agency-measures/agency-decisions.php>.

