



## **Explanatory Note to Decision 2014/002/R**

### **Adoption of CS FTL.1 to Annex III - Part-ORO**

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

#### **EXECUTIVE SUMMARY**

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

This Decision adopts CS FTL.1, and related GM, for the new Subpart FTL to Part-ORO.

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

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## 1. Procedural information

### 1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2014/002/R in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

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

The draft text of this Decision has been developed by the Agency based on the input of the Rulemaking Group. All interested parties were consulted through NPA 2010-14<sup>3</sup>. More than 50 000 comments in total were received from interested parties, including industry, national aviation authorities and social partners.

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

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

### 1.2. Structure of the related documents

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

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<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

<sup>2</sup> 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.

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

## 2. Explanatory Note

This Decision provides Certification Specifications and Guidance Material (CS-FTL.1) to Subpart FTL of Part-ORO and corresponds to Commission Regulation (EU) No 83/2014<sup>4</sup> laying down, among others, organisation requirements for air operations.

### 2.1. Overview of the issues to be addressed

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

### 2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives by addressing the issues outlined in Chapter 2. The specific objectives of this proposal are, to maintain a high level of safety, to ensure proportionate rules where appropriate; and to warrant flexibility and efficiency for operators and authorities.

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

The draft CS published alongside Opinion No 04/2012 for information only is adapted to fit the finally adopted Implementing Rules (IR) of Subpart FTL. Following the recommendations of the EASA Committee and the input gathered through a focused consultation with stakeholders, the Agency included a number of changes to the initial draft CS. The changes are described in detail in paragraphs 2.3.1. to 2.3.9.

#### 2.3.1. New CS FTL.1.205(a)(2) Flight duty period (FDP)

An additional bullet point to this CS instructs the operator to apply appropriate fatigue risk management to manage the fatigue risk arising from night duties of more than 10 hours (so-called 'long night duties').

#### 2.3.2. Editorial CS FTL.1.205(c)(3) Flight duty period (FDP)

The word 'maximum' has been added to the title of the first column in the table to make explicit that the value in this column is the *maximum* FDP that may be achieved with a defined *minimum* amount of in-flight rest (in hours) reflected in columns two to four.

#### 2.3.3. New CS FTL.1.205(d)(1)(ii) Flight duty period (FDP)

A new bullet point is added to the CS to avoid a rolling communication of a delay. This measure ensures that the crew member can rest after the delayed reporting procedure is activated.

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<sup>4</sup> Commission Regulation (EU) No 83/2014 of 29 January 2014 amending Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

#### 2.3.4 CS FTL.1.225(a) Standby

The bullet point stating that airport standby counts in full as duty time has been moved to Subpart FTL of Part-ORO and is now an IR.

#### 2.3.5 New CS FTL.1.225(b)(5) – (8) Standby

The buffer, during which time spent on standby other than airport standby does not reduce the maximum FDP, has been reduced to 6 hours. A new provision instructs operators to design their standby procedures in way that avoids that the combination of standby and FDP leads to more than 18 hours awake time. An 8-hour buffer may only be applied if a crew member has an additional opportunity for rest during the FDP, be it because of in-flight rest or split duty. A new provision excludes the hours between 23:00 and 07:00 from being counted towards the FDP reduction, if standby starts between 23:00 and 07:00.

#### 2.3.6 New CS FTL.1.230 Reserve

A new provision has been added to protect an 8-hour sleep opportunity. The operator is instructed to roster an 8-hour period for each reserve day, taking into account fatigue management principles, during which a crew member on reserve is not contacted.

#### 2.3.7 New CS FTL.1.235(b)(1) Rest periods

A description of what a 'rotation' is for the purpose of CS FTL.1.235(b)(1) has been introduced to ensure common understanding.

#### 2.3.8 Editorial CS FTL.1.235(b)(3)(i) Rest periods

The title of the second column of the table has changed and makes now reference to the time elapsed (h) since reporting for *the first FDP in* a rotation involving at least 4-hour time difference to the reference time. This is to reflect that additional rest for time zone differences is only necessary for the time spent outside the reference time zone.

#### 2.3.9 New CS FTL.1.235(b)(5) Rest periods

The monitoring of combinations of rotations under the operator's management system was initially an AMC and has now been moved to the CS.

#### 2.3.10 New GM1 CS FTL.1.205 (a)(2) Flight duty period (FDP) - NIGHT DUTIES

A new GM explains how an operator should make use of fatigue risk management principles to optimise alertness on 'long night duties'. The GM gives examples of the fatigue risk management principles the operator could consider and the means to do so.

#### 2.3.11 New GM1 CS FTL.1.225 Standby - MINIMUM REST AND STANDBY

A new bullet point is added to this GM explaining that standby other than airport standby counts partly as duty for the purposes of ORO.FTL.210 only. For the purpose of ORO.FTL.235, the actual reporting time at the designated reporting point should be used to calculate the minimum rest period after an assignment.

#### 2.3.12 New GM1 CS FTL.1.225(b) Standby - STANDBY OTHER THAN AIRPORT STANDBY NOTIFICATION

A new GM advises an operator to design a procedure for the notification of assigned duties during standby other than airport standby with the aim of avoiding interference with crew members' sleeping patterns.

**2.3.13 New GM1 CS FTL.1.225(b)(2)**

A new GM explains that continuous awake times in excess of 18 hours should be avoided because they may lead to reduced alertness.

**2.3.14 New GM2 CS FTL.1.230 Reserve - NOTIFICATION IN ADVANCE**

A new GM explains that the minimum time of 10 hours between the notification of an assignment for any duty and the reporting for that duty may include the rostered 8-hour period during which the crew member is not contacted by the operator.

**2.3.15 New GM3 CS FTL.1.230 Reserve - RECURRENT EXTENDED RECOVERY REST**

A new GM clarifies that the provisions for recurrent extended recovery rest periods also apply to a crew member on reserve.

**2.3.16 New GM1 CS FTL.1.235(b)(3) Rest periods - TIME ELAPSED SINCE REPORTING**

A new GM explains the use of the table in CS FTL.1.235 (b)(3). As soon as a crew member returns to his/her home base and the operator is no longer responsible for the accommodation of the crew member, the time elapsed since reporting stops counting.

### 3. References

#### 3.1. Related regulations

Commission Regulation (EU) No 965/2012<sup>5</sup> of 5 October 2012 last amended by Commission Regulation (EU) No 800/2013 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.

#### 3.2. Reference documents

Annex III - Part-ORO of Commission Regulation 965/2012.

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<sup>5</sup> Regulation (EU) No 965/2012 of the European Commission of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ, L 296, 25.10.2012, p.1), as last amended by Commission Regulation (EU) No 83/2014 (OJ L 28, 31.1.2014, p. 17).