# EASA

## Comment Response Tool

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| Title | Implementing Rules on Flight and Duty Time Limitations and rest requirements |
| NPA Number | NPA 2010-14 |

**UK CAA** (European.Affairs@caa.co.uk) has placed **69** unique comments on this NPA:

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| 1544 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - IV. Content of the draft Opinion and Decision - Structure | 7 - 11 | **Page No:** 11<br><br>**Paragraph No:** 28<br><br>**Comment:** Section 7 Single pilot is not shown on the organigram (table 3 above) but is referred to in this paragraph.<br><br>Under what methodology or timescale does EASA propose to develop the regulations for sole night operations? | |
| 1544 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - IV. Content of the draft Opinion and Decision - 'Hard Law' vs 'Soft Law' | 11 - 12 | **Page No:** 12<br><br>**Paragraph No:** 35<br><br>**Comment:** The UK CAA supports the Agency in that it considers that the provisions of Article 22 provide at least the same level of control as that of Article 14(6).<br><br>**Justification:** It is the UK's experience that while most operations can be managed with a basic set of regulations there will always be the need to have a flexible and easily accessible method to apply for variations (combined with a robust safety case and mitigations).<br><br>**Proposed Text :** Appendix X, Section 1 provisions of this NPA should be Certification Specification material. | |
| 1545 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - | 12 - 13 | **Page No:** 13<br><br>**Paragraph No:** 38 and 39<br><br>**Comment:** The discussions concerning "subsidiarity" and the total application of the new | |

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| | A. EXPLANATORY NOTE - IV. Content of the draft Opinion and Decision - Impact of new EASA rules on different national FTL schemes and provisions contained in Article 8 of EU OPS | | FTL rules seem to be slightly confusing. The non -subsidiarity requirements, i.e. those preventing Member States from creating their own rules is an understandable European aim in so far as the "level playing field" is concerned. However, the discussions also mention Collective Labour Agreements (CLA).<br><br>Is there a further intention by EASA to control CLA such that operators and crews are unable to deviate from the new FTL IRs? (i.e. use more favourable FTL conditions within their own schemes)<br><br>**Justification:** To provide further clarity to States that operators and unions can have CLA's that are more restrictive than the EASA proposals.<br><br>Also to clarify that States' social laws under Article 2 of the Working Time Directive for Mobile Workers in Civil Aviation (Council Directive 2000/79/EC) can introduce or maintain more favourable conditions than those laid down in the Directive and that applies to the provision in the EASA regulations. | |
| 1545 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - IV. Content of the draft Opinion and Decision - Transitional measures | 14 - 15 | **Page No:** 14<br><br>**Paragraph No:** 47<br><br>**Comment:** Transitional arrangements.<br><br>Due to the complexity of the changes for the UK, and in order to not place an unnecessary cost burden on our operators, the UK suggests a three year transitional period.<br><br>**Justification:** Most operators have a least an 18 month programme plan of trip generation and crew numbers, combined with rostering computer rule changes and testing that would be required. A three year transitional period would allow operators the ability to plan this change management process to best align with their seasonal planning and system updates. | |
| 1546 | NOTICE OF PROPOSED AMENDMENT (NPA) No | 15 - 16 | **Page No:** 15<br><br>**Paragraph No:** 48 to 60 | |

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| | 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - V. Regulatory Impact Assessment | | **Comment:** While the Regulatory Impact Assessment appears to be a very detailed and comprehensive document, it does not appear to be a detailed and systematic appraisal of the potential impacts these new regulations are going to have. In particular it does not appear to have fully assessed whether the regulations are likely to achieve the desired objectives and it does not assess whether the benefits from these regulations are likely to exceed any implementation costs. This latter is normally the most important aspect of an RIA.<br><br>What the authors appear to have carried out is a justification of their chosen regulations, and comparing and contrasting those with other alternatives. The true impact of these new rules in their totality has **not** been assessed. | |
| 1547 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - V. Regulatory Impact Assessment | 16 - 17 | **Page No:** 16<br><br>**Paragraph No:** 59<br><br>**Comment:** The UK CAA supports EASA aspirations for further research in these areas and suggests that EASA also reviews the other areas of Flight Time Limitations that may require more research (such as Helicopters, Single Pilot operations, etc) in order to prioritise the planning of this research.<br><br>Because of this research need the Agency will need to confirm that the chosen regulations in these areas are the more conservative options and will remain in being until research shows they can be relaxed. | |
| 1547 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - V. Regulatory Impact Assessment | 17 | **Page No:** 17<br><br>**Paragraph No:** 60<br><br>**Comment:** The UK CAA supports the development of guidance material in all of the areas listed. We would suggest that there needs to be further guidance developed to support the application of the final regulations as well. This guidance material should be a priority for development to assist the Member States and | |

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| | | | operators with the introduction of the EASA requirements.<br><br>**Justification:** Clear and consistent guidance to prevent different interpretation of the regulations. | |
| 1547 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Chapter 1 — General Scope (OR.OPS.FTL.1 and Applicability (FTL.1.200) | 18 | **Page No:** 18<br><br>**Paragraph No:** 68<br><br>**Comment:** It is stated that provisions for Air Taxi Operations as defined in OR.OPS.FTL.105 will be developed in the Rulemaking Task OPS.071. As they currently fall under Subpart Q and the Article 8 requirements of EU OPS, will these provisions for air taxi operators remain in force until EASA has completed the OPS.071 rulemaking task?<br><br>**Justification:** Clarification for Member States to ensure the correct provisions are applied to air taxi operations. | |
| 1547 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Definitions (OR.OPS.FTL.1 | 18 - 19 | **Page No:** 18<br><br>**Paragraph No:** 69<br><br>**Comment:** ICAO definitions are already agreed and in Annex 6 Part 1 Attachment A (amendment 33) which came into force in 2009. It is the UK's understanding that Attachment A is not currently under review as part of the proposed amendments to Annex 6 Part 1 which will include Fatigue Risk Management Systems. | |
| 1548 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum | 18 - 19 | **Page No:** 18<br><br>**Paragraph No:** 70<br><br>**Comment:** The proposal to introduce the term Flight Time to replace Block Time, as currently defined and used in EU OPS Subpart Q, could create issues for operators as this is now different from the requirements for Block Time in the Working Time Directive (2000/79/EC). | |

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| | on Part-OR Subpart OPS - Definitions (OR.OPS.FTL.1 | | **Justification:** While this is only appears to be a minor modification it could mean that operators will need two recording systems and could mean that operators will not record the time taken for crew to taxi to a remote hold, de-icing before take-off, or where they taxi out and subsequently have to return to stand with a technical malfunction. Flight/block time is agreed to be a subset of duty time that is more fatiguing, therefore it is important that all this time is captured.<br><br>**Proposed Text:** Replace Flight time with the EU OPS Block time definition. | |
| 1548 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Definitions (OR.OPS.FTL.1 | 18 - 19 | **Page No:** 18<br><br>**Paragraph No:** 70<br><br>**Comment:** The term “A single day free of duty” under the Working Time Directive 2000/79/EC not only requires 7 days off a month but also 96 days off a year which is 8 further days free. It is suggested that this additional element of the requirement be included.<br><br>**Justification:** To ensure that where there is a reference to the Directive in the regulations that it gives the operators the full requirement. | |
| 1548 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Fatigue Risk Management (FRM) (OR.OPS.FTL.1 | 19 - 20 | **Page No:** 19<br><br>**Paragraph No:** 76<br><br>**Comment:** The ICAO SARPS will require that the operator's FRMS holds an approval from the Competent Authority. While the UK CAA supports EASA’s approach that where FRM is required as part of the regulations it is an integral part of the management system, it will still need to hold an approval to demonstrate that it is functioning correctly.<br><br>**Justification:** ICAO requirement.<br><br>**Proposed Text:** Insert the requirement that where an operator is required to have an FRM within the regulations, the FRM must be approved by the Competent Authority. | |

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| 1549 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Fatigue Risk Management (FRM) (OR.OPS.FTL.1 | 19 - 20 | **Page No:** 20<br><br>**Paragraph No:** 77<br><br>**Comment:** Notwithstanding the NPRM, the FAA already requires that all operators have a Fatigue Management Programme, approved by the FAA.<br><br>Suggest that if EASA is no longer going to require all operators to have to use FRM, that they review the FAA FMP as a possible requirement for all operators under their Management Systems.<br><br>**Justification:** This requirement would consolidate the operators' responsibilities under OR.OPS.FTL.110 at the level of the Accountable Manager. | |
| 1549 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Fatigue Risk Management (FRM) (OR.OPS.FTL.1 | 19 - 20 | **Page No:** 20<br><br>**Paragraph No:** 78<br><br>**Comment:** All CAT operators are required by ICAO since 2009 to have an SMS. A full SMS should cover all aspects of an aviation operation which includes FRM. Since the scale of an SMS is dictated by the size, complexity and scale of an operation, the inclusion of FRM within an SMS should not pose insurmountable problems for any operator.<br><br>**Justification:** FRM should be an integral part of any CAT SMS. | |
| 1549 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Fatigue Risk Management (FRM) (OR.OPS.FTL.1 | 19 - 20 | **Page No:** 20<br><br>**Paragraph No:** 80<br><br>**Comment:** The requirements for FRMS in ICAO Annex 6 Part 1 Appendix 8 are part of the SARPs and as such are a requirement not just guidance material. This full requirement needs to be part of the Implementing Rules.<br><br>**Justification:** To comply with the ICAO SARPs.<br><br>**Proposed Text:** Move the AMC material on FRM to OR.OPS.FTL.115. | |

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| 1545 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Home Base (OR.OPS.FTL.2 and FTL.1.205) | 20 - 21 | **Page No:** 20<br><br>**Paragraph No:** 83<br><br>**Comment:** It is the UK's understanding that EU OPS 1.1095 definition was intended to mean that a Home Base was a single airport.<br><br>While the proposal seeks to manage proactively how some States interpretations have allowed this definition to be used, it will be necessary to ensure that the practice of using an airport system as a base does not create crew fatigue. This definition could be difficult to manage unless the airport systems used are approved by the Competent Authority. Also, there needs to be some guidance on defining the crew member's responsibilities in terms of their travelling time to their base airport(s). (See additional comment and proposed text relating to Page 222 and Paragraph FTL.1.205) | |
| 1549 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Home Base (OR.OPS.FTL.2 and FTL.1.205) | 20 - 21 | **Page No:** 21<br><br>**Paragraph No:** 84 Q1<br><br>**Comment:** Response to Question 1<br><br>It is thought that for most normal EU operations that a single airport would be a home base rather than multiple airport locations. Nevertheless the need for an operator, particularly a larger operator to have the flexibility to ask crews to report to one of a few nearby airports is understood. While the UK supports the requirements for the distance and travelling time between the multiple airport locations, there is the additional risk of the increased travelling time taken by the crew members to reach all of the airports in the multi airport location.<br><br>The Competent Authority should approve these airport systems under Home Base regulations to ensure they have been realistically assessed. Where these multi-airport locations are used as a single base, the operator should only use this for crew that volunteer for the multi base as this will ensure that the crew can reach all the airports within a reasonable travelling time and not have | |

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| | | | an excessive journey to work due having to drive for a further hour to reach the airport for report.<br><br>Guidance material should be developed for crews to advise them of the maximum travelling time beyond which a crew member should consider arranging alternative accommodation closer to the airport nominated for report. | |
| 1550 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) | 21 | **Page No:** 21<br><br>**Paragraph No:** 87<br><br>**Comment:** The reference to the research done on CAP 371 limits on the impact of early duties is based on a definition of early as 05:00-06:59 and using the significantly less permissive FDP from CAP 371.<br><br>Therefore this research cannot be used as a justification for having no significant requirements for the management of early duties. If the proposed FDP limits were the same as CAP 371 and the early definition was the same then this would support introducing more flexibility on morning duties.<br><br>**Justification:** The research was not conducted on a comparable set of regulations and limits. The RIA also states (page 65 first paragraph) that all scientific studies and operational experience confirm that the length of FDP should be reduced depending on the reporting time. **Reduction should be applied for flight duty period where the crew member cannot sleep during the entire WOCL.**<br><br>**Proposed Text:** Suggest that the definition of “early” is expanded to 05:00-06:59 to match the research and, with the absence of any other requirements for the management of consecutive early duties, that the use of extensions within this time band is supported by the requirement for the operator to have an approved FRM. | |
| 1550 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. | 21 | **Page No:** 21<br><br>**Paragraph No:** 88 Q2<br><br>**Comment:** Response to Question 2 | |

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| | Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) | | The use of the two hour extension to the pre and post flight rest or 4 hours post the extended FDP would manage the issues of transient fatigue and the need to provide a quality rest period around the extended duty. However FDP extensions, unless carefully managed, have the potential to increase cumulative fatigue significantly. This is supported by various studies and is referred to in the Moebus Report. The operational flexibility given by the ability to use FDP extensions is fully understood.<br><br>However, due to all the scientific research on FDPs overnight, the UK CAA does not support the use of extensions either overnight or reporting before 06:59. Where the extended duty period impinges or encompasses the WOCL, or where the extension means that it is likely the crew member has had a shortened sleep period prior to report, any extensions need to be very carefully and proactively managed. There should be a need for an operator to have FRM to demonstrate the allocation and management of these extended duties for any extended FDP between 18:00 and 06:59. The ability to use an extension would still be there but only if the operator could demonstrate how they managed them within the roster.<br><br>Also, where two of these extended FDPs have impinged or encompassed the window (18:00-06:59) the weekly rest period should be extended to include three local nights (54 hours) in order to protect against cumulative fatigue build up associated with long duty periods and minimum rest periods.<br><br>**Justification:** As stated in the RIA (first paragraph page 65) all scientific studies and operational research confirm that the length of FDP should be reduced depending on the reporting time. Reduction should be applied for flight duty periods **where the crew member cannot sleep during the entire WOCL**. There needs to be more active management by the operator for duties during the most fatiguing part of the day. | |

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| 1550 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) | 22 | **Page No:** 22<br><br>**Paragraph No:** 94<br><br>**Comment:** Response to Question 3.<br><br>Whilst the proposed definitions provide greater clarity than Subpart Q, they could still be misinterpreted. It is suggested that, despite the potential for making FDP calculations slightly more complicated, this complication is preferable to misinterpretation, therefore secondary tables covering non-acclimatised crew should be provided. The provision of tables would also prevent deliberate misinterpretation of any definition and would make the intent of the rulemaking body absolutely clear.<br><br>Also, to only have one criterion (36 hours) to cover the effect of all the differences that the number of time zones crossed is insufficient. The impact of crossing a large number of time zones is known to have a longer effect on crew acclimatising to local time but the body's circadian rhythm will only move over a number of days. Therefore it would be more in line with the scientific understanding in this area to also deal with the issue of partial acclimatisation experienced by crew who cross a significant number of time zones. There may need to be a partial acclimatisation table for the crew who are in a location of more than 5 hours difference from their previous one. It is suggested that scientific advice is sought on the development of this regulation.<br><br>**Justification:** To provide clarity in application of the rules and more accurately reflect the effects of time zone crossing on the human body.<br><br>**Proposed Text:** Suggest that the definition is extended "36 hours (including 2 local nights) free of duty in an area of between 3 hours and 5 hours difference from their place of previous report; 54 hours (including 3 local nights) free of duty in an area of 6 hours or more difference from the place of their previous report or 72 | |

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| | | | hours in an area of three hours or more time difference when conducting duties." | |
| 1551 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) - 2 — Extension of Flight Duty Period due to in-flight rest | 22 - 23 | **Page No:** 23<br><br>**Paragraph No:** 95<br><br>**Comment:** Response to Question 4.<br><br>The UK CAA does not support the use of an economy seat for in-flight rest in order to achieve an extended FDP. All the research and information we have shows that this is not an acceptable seat; not only due to the seat and its lack of recline but also due to the cabin environment in which the seat is located. Economy cabins are usually noisier and brighter, with more movement of passengers and thus more disruption to the crew member trying to take rest.<br><br>This particular topic has already been identified as one for possible further scientific study. Notwithstanding the claimed operating experiences of operators, there is nevertheless sufficient evidence to cast doubt on the efficacy of rest in an "economy" seat. Furthermore, if economy seats are permitted, there is a distinct possibility that the environment of an economy cabin will also be less than ideal for proper recuperative rest. Whilst, in the past, it was possible for one European operator to find himself in competition with another European operator with a less prescriptive rest and safety regime, the proposed rules for all European operators should negate any economic arguments.<br><br>**Justification:** All the research and guidance states that an economy seat should not be used as an acceptable seat for gaining rest to increase the allowable FDP. The UK CAA does not accept the use of economy seats. Unless and until rest in an economy seat can be scientifically proven to provide adequate and recuperative rest, the practice should be discontinued by all European carriers for safety reasons. Also, due to the differences in cabin layout, quality and type of seat even if some operator's specific research | |

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| | | | demonstrated some rest was achievable, this could only ever be on an operator specific basis and used under an FRMS with approved placement of the rest seat in the cabin. | |
| 1551 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) - 2 — Extension of Flight Duty Period due to in-flight rest | 23 | **Page No:** 23<br><br>**Paragraph No:** 96<br><br>**Comment:** Response to Question 5.<br><br>Whilst the UK CAA understands EASA's desire to make this regulation simple to apply, all the research done in this area has focused on the type of rest facility and time taken in it. From a safety perspective the need is to focus on ensuring the operating crew are the best rested and will be alert enough at all times when operating to ensure they can manage all normal and abnormal situations.<br><br>This regulation applies to crew who are acclimatised, not acclimatised and partially acclimatised therefore it is too simplistic to just take the view that the regulations can negate the time of report. This has been proven as part of the need for calculated departure windows for crew operating ULR flights.<br><br>**Justification:** The research in the RIA (page 87, third paragraph) also states that the allowable extension should depend on whether the crew member is acclimatised.<br><br>**Proposed Text:**<br><br>To increase the rest period required by the operating crew to be at least 3 hours.<br><br>To introduce a WOCL adjusted reduction table to the absolute limits proposed to take into account the time of day of the report. | |
| 1552 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - | 23 | **Page No:** 23<br><br>**Paragraph No:** 97<br><br>**Comment:** Response to Question 6. | |

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| | A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) - 2 — Extension of Flight Duty Period due to in-flight rest | | The length of consecutive in-flight rest may have to vary depending on the total length of the planned FDP and the number of sectors it contains. The number of sectors will reduce the length of continuous time the aircraft is in the cruise phase of flight when it will be possible to take rest. Similarly, the programming and length of rest that individual crew members may take will depend on the total cruise flight time. Restricting the number of permissible sectors that can be planned using augmented crew is essential to protect the ability and opportunities for the crew members to get rest sufficient to increase the length of the flight and therefore protect the safety of the flight from the effects of fatigue on the crew. Augmented crew operations should be restricted to a maximum of 3 sectors. All research that has been done on the use of augmented crew has been done on 1 or 2 sectors and even to allow 3 sectors is questionable on the basis of current information. Operations requiring more than 3 sectors would be very limited.<br><br>**Justification:** The combination of sector length and desirability of being at the controls 90 minutes prior to landing, plus the typical time of reaching an established cruise (approx 45 minutes), plus the handover of control time 15 minutes, which together uses 2½ hours of the flight time, would require a min sector time of approx 4½ hours for effective rest to be obtained by the operating crew.<br><br>These are generic rules and therefore if an operator has a robust safety case for a specific route and operation that can be managed through their FRMS then the operator can apply for a derogation under Article 14(6). | |
| 1552 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. | 24 | **Page No:** 24<br><br>**Paragraph No:** 99<br><br>**Comment:** Response to Question 7.<br><br>The proposed values in the table for cabin crew in-flight rest appear to be reasonable. However, it would appear that few scientific studies in the | |

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| | Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) - 2 — Extension of Flight Duty Period due to in-flight rest | | efficacy of cabin crew in-flight rest have been undertaken. This might be another area for study by the Agency and/or for the operator to demonstrate how they manage cabin crew in-flight rest through FRM. | |
| 1552 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) - 3 — Unforeseen circumstances in actual flight operations — Commander | 24 | **Page No:** 24<br><br>**Paragraph No:** 102<br><br>**Comment:** Response to Question 8.<br><br>As this is a provision for the Commander's Discretion, it is up to the Command to decide if they and their crew can use any or all of the amount of discretion available. Before exercising discretion the commander needs to take into account the circumstances of all the crew.<br><br>The UK CAA agrees that a 2 hour extension to the basic FDP (FTL.1.210 1(a)) should be available to the Commander. However, if the FTL.1.210 1(b) 1 hour extension option has been exercised, the operator has already used one hour of the possible extra two hours that were available only at the discretion of the Commander. Therefore, only one hour of Commander's discretion should be available if there has been the use of operator extension.<br><br>Operator extended duties are already very long duties and all the known science refers to length of duty as being a significant fatiguing effect. If discretion has to be used on these duties the crew will have already been suffering from delays and associated hassle factors which are shown to cause fatigue added to an already extended duty, where the performance and alertness of the crew will be deteriorating due to hours of cumulative wakefulness and the time on task, therefore the ability for the Commander to exercise discretion should be reduced to one hour. | |

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| | | | As this is commander's discretion it should be made clear in guidance material that the operator cannot assume that any or all of it will be used.<br><br>Further guidance on this topic should be provided to ensure that both the crew and the operator understand that the use of discretion cannot be assumed. The guidance also needs to stress the importance on the assessment of the fitness of the crew to continue before the Commander exercises his discretion. | |
| 1552 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight Duty Period (FDP) (OR.OPS.FTL.2 and FTL.1.210) - 4 — Unforeseen circumstances in actual flight operations — Short-term re -planning | 24 - 25 | **Page No:** 25<br><br>**Paragraph No:** 107<br><br>**Comment:** Response to Question 9.<br><br>Suggest that EASA uses the provisions of delayed reporting currently used in CAP 371 to give the operator flexibility to delay crew at their place of rest to cover this area.<br><br>There should also be either a definition of "shortly" or a clear statement on the application of these regulations.<br><br>In option (a) (1) as split duty should be a planned and pre-notified duty, then in order to have the ability to use this on the day, it should be with the agreement of the Commander after he has assessed if the crew are able to take rest sufficient to increase the FDP.<br><br>Option (a) (2) can only be used if the operator has approved reduced rest provision in their Operations Manual with an active FRM.<br><br>However, the requirement in (b) to report the use of such measures to the competent Authority should have a time limit associated with it – suggest within 14 working days.<br><br>**Justification:** Time limit to ensure that new problems affecting FTL with a new roster or sector or operations are promptly reported to the Authority so that if necessary Authority action can be taken. | |

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| | | | **Proposed Text:** Suggest that clarification on when these regulations can be applied be given by stating that "The operator may only adjust the crew schedules where the crew members are on their rest period prior to reporting or after reporting in the event of unforeseen circumstances by the following:" The text could be further clarified by adding the delayed report procedure from CAP 371 for the instances where the crew can remain in their accommodation. | |
| 1552 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Flight times and duty periods (OR.OPS.FTL.2 and FTL.1.215) | 25 | **Page No:** 25<br><br>**Paragraph No:** 110<br><br>**Comment:** The UK CAA supports the addition of a required 14 day limit to manage cumulative fatigue. The allowance of a 60 duty hour week is in order to cope with a peak of work and should not viewed as a normal limit for rostering crew. The addition of a 14 day limit prevents this allowance being used over successive weeks and thereby building up possible cumulative fatigue issues for the crew. The provision of "spread as evenly as possible" has no weight in practice. The possibility of 3 weeks each of 60 hours has to be regulated against.<br><br>**Justification:** For the prevention of the build up of cumulative fatigue and its related implications for flight safety.<br><br>**Proposed Text:** Suggest a limit of 100 hours for 14 consecutive days as suggested by the Moebus report. Where an operator can demonstrate adequate protection through a robust FRM and a stable work pattern, this limit could be raised in specific agreed circumstances. | |
| 1553 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory | 26 | **Page No:** 26<br><br>**Paragraph No:** 116<br><br>**Comment:** Response to Question 10.<br><br>The UK CAA supports the use of the CAP 371 provisions for split duty. They have worked well | |

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| | memorandum on Part-OR Subpart OPS - Split duty (OR.OPS.FTL.2 and FTL.1.225) | | in the UK and are supported by operational experience. | |
| 1554 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Standby duty (OR.OPS.FTL.2 and FTL.1.230) - 2 — Other Standby | 27 | **Page No:** 27<br><br>**Paragraph No:** 129<br><br>**Comment:** The allowable FDP limits could be excessive from a standby duty given the allowances in FTL 1.230 2 afforded to the operators when calling crew from standby. The reduction proposals do not go far enough to limit total allowable duty from a standby start to end of duty after completing a FDP. Airport and home standby require the crew member to be ready to receive a call to operate immediately and therefore the start point and the reduction in allowable FDP needs to be reduced, to limit possible excessive total duty periods.<br><br>EASA should consider setting regulations for other forms of call to duty allowing the crew member to take a rest period before operating. This would afford flexibility for the operator while still protecting the crew's ability to be rested for the FDP.<br><br>**Justification:** The current proposal allows for excessive total duty, potentially with inadequate rest due to the nature of rostered standby times. It could mean a crew member being on standby from 05:00 and being called at 12:00 for a report at 17:00 with an FDP of 10 hours plus extension, leading to an 11 hour FDP finishing at 04:00, i.e. a possible 23 hour duty ending in the WOCL.<br><br>**Proposed Text:**<br><br>Method for reduction of the FDP allowed should be more based on total time allowed and the report time to protect the pre-flight rest opportunities afforded to the crew. This could be done either by putting a total duty time limit on the standby and FDP of a total of 18 hours or require that the allowable FDP limit is reduced by any standby over 6 hours in duration. | |

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| 1554 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Standby duty (OR.OPS.FTL.2 and FTL.1.230) - 2 — Other Standby | 27 - 28 | Add additional regulations for call out notice periods to roster such that the crew member would have at least 10 hours at home from call out to report. This affords flexibility for the operator and allows the crew member the ability to optimise their rest before report.<br><br>**Page No:** 27<br><br>**Paragraph No:** 129<br><br>**Comment:** Response to Question 11.<br><br>The UK CAA supports limiting standby duties to a maximum of 12 hours. As standby is immediate readiness to operate, and the crew member is expected to be able to take a call to conduct an FDP either at the very start or at the very end of the standby period, it is essential that this period is limited in order to allow the crew member the ability to plan their rest for the standby and the range of possible duties arising from it. | |
| 1554 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Standby duty (OR.OPS.FTL.2 and FTL.1.230) - 2 — Other Standby | 27 - 28 | **Page No:** 27<br><br>**Paragraph No:** 129<br><br>**Comment:** Response to Question 12<br><br>Standby duty counting as only 25% of duty time is not representative of the stress of being on standby. There is a possibility for excessive cumulative duty totals especially when combined with flying duty periods within the working week.<br><br>The use of a total amount of standby time that can be rostered is supported by the UK CAA but not the proposed limit. The current Netherlands limit of 60 hours would be supported as the crew member should not be on standby for more hours than they could have worked in a week.<br><br>**Justification:** Crew members are unable to adequately plan their rest periods when working blocks of standby duties. Excessive amounts of | |

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| | | | duty that are not being fully accounted for could lead to cumulative fatigue.<br><br>**Proposed Text:**<br><br>Suggest amending the requirements to allow for standby to calculated as 25% of the time spent on standby between the hours of 22:00 and 06:00 and 50% for all other times.<br><br>Also, amend the 72 hour limit to 60 hours due to cumulative fatigue of working a number of consecutive days of standby and the uncertainty of rest/work.<br><br>Possible addition of a contactable regulation which would allow the operator to roster a short (2 hour) window of time other than on a extended recovery period, on a day where the crew member has no other rostered duties but would be required to take a call giving them at least 10 hours notice of a report time. | |
| 1554 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Rest periods (OR.OPS.FTL.2 and FTL.1.235) - 1 — Basic Minimum Rest | 28 | **Page No:** 28<br><br>**Paragraph No:** 130<br><br>**Comment:** The UK CAA does not agree with the proposed requirements for extended recovery rest periods. While the proposed recovery period after 168 hours is supported, the total requirements for recovery rest periods for crew are insufficient. There needs to be the inclusion of requirements for quality recovery days that afford the crew member a longer recovery period over consecutive days and a minimum number of recovery days in any 4 weeks. This can be achieved whilst still affording the operator flexibility.<br><br>**Justification:** These recovery days are essential for the management of, and recovery from, cumulative fatigue which cannot be left to a social agreement. As crew members on average work a variable and unstable pattern of duties combining early, late, night duties in no set pattern with the possibility of considerable time zone crossings, there needs to be the additional requirements for recovery. As stated in the RIA | |

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| | | | (page 55) research (Belenky – Vol. 12 p.10, 2003) has shown that after even a mild to moderate sleep restriction, recovery sleep over several days may only partially restore performance. Therefore it is essential that recovery days are more comprehensively addressed in the regulations.<br><br>**Proposed Text:** Propose an additional definition of “recovery day” which must include 2 local nights and may form part of a recurrent extended recovery period. Add the requirement in FTL.1.235 (c) of at least twice in 28 days that the recurrent extended recovery period is increased to at least 54 hours including 3 local nights; plus a minimum of 7 “recovery days” in 28 consecutive days, with an average of 8 “recovery days” over 84 days. | |
| 1555 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Rest periods (OR.OPS.FTL.2 and FTL.1.235) - 1 — Basic Minimum Rest | 28 | **Page No:** 28<br><br>**Paragraph No:** 132<br><br>**Comment:** For clarity the term ‘weekly rest’ should not be used as this implies that the rest must be taken within the normal 7 day working week. The requirement allows for 7 consecutive days to be worked before this extended recovery rest period.<br><br>Also, CAP 371 does not allow for a 10 hour rest period between trips as inferred in this paragraph but it does allow for a minimum rest period at home base to allow crew to operate a ‘back to back’ trip. From the point of view of managing fatigue, UK CAA would support the introduction of the possibility of applying the ‘away from base’ rest requirements at base where the operator has provided and paid for suitable accommodation for the crew.<br><br>**Justification:** Clarity. | |
| 1555 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - | 28 | **Page No:** 28<br><br>**Paragraph No:** 133<br><br>**Comment:** Response to Question 13. | |

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| | A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Rest periods (OR.OPS.FTL.2 and FTL.1.235) - 1 — Basic Minimum Rest | | The definitions chosen by the Agency appear to be acceptable with the exception of the early start. This definition needs to take into account that the crew member will not only be reporting in the WOCL but that the crew member will be waking in the WOCL and is likely to have had a shortened sleep period and therefore a sleep debt. The UK CAA suggests that this definition is extended to 06:59 to more accurately reflect this issue and the need to manage these duties in combination with other duties.<br><br>**Justification:** More accurately reflect the known science on early starts and the issue of sleep debt accrual.<br><br>**Proposed Text:** "Early Start" is defined as a duty commencing between 05:00 – 06:59 to where the crew member is acclimatised. | |
| 1555 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Rest periods (OR.OPS.FTL.2 and FTL.1.235) - 2 — Time zone differences | 28 | **Page No:** 28<br><br>**Paragraph No:** 134/135/136/137<br><br>**Comment:** The UK CAA supports EASA's proposals in this area both in terms of the rest periods proposed and the requirement for the operator to monitor the combinations of rotations in terms of their effect on crew fatigue. | |
| 1556 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR | 29 | **Page No:** 29<br><br>**Paragraph No:** 140<br><br>**Comment:** Response to Question 14.<br><br>Reduced rest should only be used in carefully controlled circumstances. Whilst the STARE study appears to validate its use in certain specific circumstances no further use, other than in regional operations, should be permitted until | |

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| | Subpart OPS - Rest periods (OR.OPS.FTL.2 and FTL.1.235) - 3 — Reduced Rest | | the generality of the reduced rest provision is proven. It is understood that the operators within the STARE study all used a more generous planned rest period of 8 hours 30 minutes and only on the day could this be reduced to an absolute minimum of 7 hours 30 minutes. Therefore we suggest that a planning limit of 8 hours 30 minutes is placed on the use of this reduced rest provision.<br><br>In addition the use of reduced rest should not be permitted in conjunction with any other provision including “split duty”.<br><br>The proposed regulations need to include an additional requirement that the crew members must be acclimatised and that the ability to use these requirements needs to be applied for by an operator and specifically approved by the Competent Authority, subject to the continued approval of the operators FRM. In addition comprehensive guidance material needs to be provided for operators.<br><br>**Justification:** Currently the use of reduced rest is permitted and justified by a report into its use in one specific set of a Member State’s regional operations. The STARE research was only conducted on three regional operators and therefore its application as demonstrated in the RIA can only be used by similar operations.<br><br>The use of a planning limit will provide protection of the rest period and prevent undue pressure on the crew members should the operation run late prior to the reduced rest period.<br><br>**Proposed Text:**<br><br>Add:-<br><br>Crew members must be acclimatised.<br><br>Planning limit of 8 hours 30 minutes.<br><br>The operator must hold an approval from their Competent Authority to conduct these operations | |

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| | | | and this is subject to the continued approval of the operator's FRM. | |
| 1556 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14A - A. Explanatory Note and Appendices - A. EXPLANATORY NOTE - VI. Explanatory memorandum on Part-OR Subpart OPS - Fatigue management training FTL.1.250 and AMC1-FTL.1.250 | 30 | **Page No:** 30<br><br>**Paragraph No:** 145<br><br>**Comment:** The UK CAA strongly supports EASA's proposals with regard to Fatigue Management training for all operators. In order to ensure that this is given the correct level of importance, the UK CAA suggests that requirements be introduced for records of the training to be kept, a measure of competency to be demonstrated and recorded and periodic refresher training to be conducted at no less than 2 year intervals.<br><br>**Justification:** In order to ensure all staff member are kept up date and can demonstrate the learning required to ensure that they play an active part in managing crew fatigue issues.<br><br>**Proposed Text:** See UK CAA comment on FTL.1.250. | |
| 1556 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14B - B. Regulatory Impact Assessment - 4 Methodology for assessment of impacts - 4.2 Assessing economic impacts | 47 - 51 | **Page No:** 47<br><br>**Paragraph No:** 4.2<br><br>**Comment:** This section introduces economic arguments which are then used within the rest of the RIA to assist in the justification of the chosen FTL proposals. It is suggested that economic justification has little relevance when deciding on a set of pan-European proposals to enhance pan-European aviation safety. All the States within the EU will have a "level playing field" applied to them. This "level playing field" will apply "across the board" and differing business models are likely to apply the rules in consistent ways to achieve a profitable business. Similarly, most internal EU flights will be conducted by airlines who will be obliged to use the new European FTL rules. Therefore, whilst there might be an economic cost associated with the <u>introduction</u> of new rules at the outset, once the rules are established no further costs to EU operators | |

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| | | | should occur. So an economic argument made in this way has little validity. | |
| 1556 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - OR.OPS.FTL.10 Definitions | 215 - 217 | **Page No:** 215<br><br>**Paragraph No:** OR.OPS.FTL.105 Definitions – 'Accommodation'<br><br>**Comment:** The use of the word "possibility" in relation to being able to control the light and temperature is too ambiguous. This needs to be changed to "ability" as it is a requirement to be able to do this.<br><br>**Justification:** Clarity of intent.<br><br>**Proposed Text:** Accommodation means, for the purpose of standby and split duty, a quiet and comfortable place not open to the public with the **ability** to control light and temperature and with access to food and drink. | |
| 1557 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - OR.OPS.FTL.10 Definitions | 215 - 217 | **Page No:** 215<br><br>**Paragraph No:** OR.OPS.FTL.105 Definitions – 'Air Taxi Operations'<br><br>**Comment:** Please confirm the correct use of this definition. Is the reference to aeroplane passenger seating configuration in relation to the Manufacturers certified seating configuration of the aeroplane or the seating configuration in use by the operator?<br><br>**Justification:** Clarity of application of the regulations. | |
| 1557 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - OR.OPS.FTL.10 Definitions | 215 - 217 | **Page No:** 215<br><br>**Paragraph No:** OR.OPS.FTL.105 Definitions – 'Early Start'<br><br>**Comment:** Following on from previous UK CAA comments with regard to the definition of early duties, this definition needs to be expanded to 05:00-06:59. There is no economic impact on changing the definition but there would be increased safety protection with the construction of the work patterns and duty transitions within the work patterns if the definition more | |

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| | | | accurately reflected this issue. Also, this only relates to Flight Duty Periods and should relate to duty periods.<br><br>**Justification:** Both UK research and the RIA assessment state that crew suffer from a reduced sleep period if they are required to get up for or report for duty within the WOCL. As the WOCL finishes at 06:00, it is reasonable to extend the protections to early starts to at least 06:59 if not 07:59.<br><br>**Proposed Text:** 'Early start' means a duty period starting in the period 05:00-**06:59** in the time to which the crew member is acclimatised. | |
| 1557 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - OR.OPS.FTL.10 Definitions | 215 - 217 | **Page No:** 215<br><br>**Paragraph No:** OR.OPS.FTL.105 Definitions – 'Eastward-Westward and Westward-Eastward Transition'<br><br>**Comment:** The term 'place' in this definition is confusing. In the regulations the requirement refers to home base. If this is the intention, suggest the definition is amended to reflect this. In addition it is strongly recommended that comprehensive guidance is provided for operations in the use of this type of transition.<br><br>**Justification:** Clarity of application of the definition.<br><br>**Proposed Text:** 'means the transition at the home base between a rotation ….' | |
| 1557 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - OR.OPS.FTL.10 Definitions | 215 - 217 | **Page No:** 215<br><br>**Paragraph No:** OR.OPS.FTL.105 'Flight Duty Period'<br><br>**Comment:** A flight duty period must include at least one flight, otherwise it is a duty period. Suggest the word "may" is deleted. In addition in relation to an FDP the word "sector" is used through the proposals but has not been defined. Suggest adding the definition of "sector" (see below).<br><br>**Justification:** Clarity. | |

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| | | | **Proposed Text:**<br><br>"to report for duty, which **includes** a **sector** or series of **sectors**, and finishes when the aircraft finally comes to rest and the engines are shut down, at the end of the final **sector** ..."<br><br>"Sector" means 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 after landing and all engines are shut down. | |
| 1558 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - OR.OPS.FTL.10 Definitions | 215 - 217 | **Page No:** 216<br><br>**Paragraph No:** OR.OPS.FTL.105 'Flight Time'<br><br>**Comment:** The definition in the proposals now contradicts EU OPS Subpart Q and the Working Time Directive definition, which has been in use since 2003. Suggest the previous use of the term Block time from Subpart Q is used. If this is not done operators will be required to have two reporting systems in order to comply with both sets of regulations. Therefore it is understood from those regulations that the intention was that all the time the pilot(s) are in control of the aircraft should count for block (flight) time.<br><br>**Justification:** Clarity and consistency.<br><br>**Proposed Text:** Add EUOPS Subpart Q definition of block time. | |
| 1558 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - OR.OPS.FTL.10 Definitions | 215 - 217 | **Page No:** 216<br><br>**Paragraph No:** OR.OPS.FTL.105 Definitions – 'Positioning'<br><br>**Comment:** The term "request" should be "behest" as this is a requirement of the operator and not a request.<br><br>Split the paragraph into two sections one for positioning and a new definition of "Travelling Time".<br><br>**Justification:** Clarity. | |

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| | | | **Proposed Text:**<br><br>"Positioning means the transferring of a non-operating crew member from one place to another, at the **behest** of the operator…."<br><br>"Travelling time means the time from home to the designated reporting place at home base and vice versa, as well as the time for local transfer from place of rest to the commencement of duty and vice versa." | |
| 1558 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - OR.OPS.FTL.10 Definitions | 215 - 217 | **Page No:** 216<br><br>**Paragraph No:** OR.OPS.FTL.105 – 'Rest Facility'<br><br>**Comment:** 'Rest Facility' specifically refers to onboard aircraft. Suggest that this is clarified in the definition.<br><br>**Justification:** Clarity.<br><br>**Proposed Text:** "Rest Facility means a bunk or seat **onboard an aircraft** that provides a crew member with an in-flight rest opportunity…" | |
| 1560 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Chapter 2 Commercial Air Transport Operators - OR.OPS.FTL.21 Flight Duty Period (FDP) (b) | 218 | **Page No:** 218<br><br>**Paragraph No:** OR.OPS.FTL.210(b)<br><br>**Comment:** The length of time to report to the Competent Authority seems rather long. Suggest this is reviewed downwards.<br><br>**Justification:** Timely reporting of excessive use of discretion.<br><br>**Proposed Text:** Change 28 days to 14 days. | |
| 1560 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and | 219 | **Page No:** 219<br><br>**Paragraph No:** OR.OPS.FTL.215 (a) | |

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| | Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Chapter 2 Commercial Air Transport Operators - OR.OPS.FTL.21 Flight times and duty periods (a) | | **Comment:** The UK CAA supports the addition of a required 14 day limit to manage cumulative fatigue. The allowance of a 60 hours in 7 consecutive days is in order to cope for a peak of work and should not be used as a normal limit for rostering purposes. The addition of a 14 day limit prevents this allowance being used over successive weeks, thereby building up possible cumulative fatigue issues for the crew. The provision of the condition “spread as evenly as possible” has no weight in practice. The possibility of 3 weeks each of 60 hours has to be regulated against.<br><br>**Justification:** For the prevention of the build up of cumulative fatigue and its related implications for flight safety.<br><br>**Proposed Text:** Suggest a limit of 100 hours for 14 consecutive days. Where an operator could demonstrate through a robust FRM and a stable work pattern then maybe this limit could be raised. | |
| 1560 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Chapter 2 Commercial Air Transport Operators - OR.OPS.FTL.24 Records of flight and duty times and rest periods (b) | 220 | **Page No:** 220<br><br>**Paragraph No:** OR.OPS.FTL.245 (b)<br><br>**Comment:** These requirements need to be expanded to include a requirement that where a crew member is irregularly employed by the operator that the operator shall ensure the crew member supplies them with up to date records and that they are checked before they offer the crew member a duty.<br><br>**Justification:** While this requirement is under crew member’s responsibilities in OR.OPS.GEN, there also needs to be a requirement on the operator to request these records and check them before offering a duty.<br><br>**Proposed Text:** The operator shall ensure that where a crew member is irregularly employed by them that the crew member supplies the operator with up to date records and that they are checked before they offer the crew member a duty. | |

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| 1546 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.205 Home base (a) | 222 | **Page No:** 222<br><br>**Paragraph No:** FTL.1.205<br><br>**Comment:** The Competent Authority should approve these airport systems under the “Home Base” regulation to ensure they have been realistically assessed. Where these multiple airport locations are used as a single base, the operator should only use this for crew that volunteer for the multi base as this will ensure that the crew can reach all the airports within a reasonable travelling time and not have an excessive journey to work due having to drive for a further hour to reach the airport for report.<br><br>Guidance material should also be developed for crew to advise them of the maximum travelling time beyond which a crew member should consider arranging alternative accommodation closer to the airport nominated for report.<br><br>**Justification:** The prevention of excessive travelling time to all the airports in a multiple airport “home base”.<br><br>**Proposed Text:**<br><br>Add the following requirements to FTL.1.205(a):<br><br>“Where the operator uses a multiple airport location, this is listed in the Operations Manual and the multiple airport locations are approved by the National Authority.”<br><br>Add the following GM.FTL.1.205(a) Home Base:<br><br>“Crew members are reminded of their responsibilities to report for duty fit and rested. Where the crew members travelling time to their home base exceeds 90 minutes they should make alternative arrangements for accommodation closer to their base” | |
| 1562 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft | 223 - 224 | **Page No:** 223<br><br>**Paragraph No:** FTL.1.210 1(b) | |

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| | Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) 1 — Maximum daily FDP (b) | | **Comment:** The UK CAA supports the use of FRM for operator extended FDPs with report times between 18:00-21:59 but, as previously noted, wishes to see this extended throughout the whole night up to and including FDP report times of 06:59. Crew members who report or who get up within the WOCL have been shown, as quoted in the RIA, to be suffering from a shortened sleep opportunity and are likely to be carrying a sleep debt.<br><br>**Justification:** There is a significant amount of research to show that operating through the WOCL is extremely fatiguing, especially if it is of an irregular nature. This additional proposed increase in the time period where an extension to the FDP requires the use of FRM, strengthens the safety overview of operations within this critical period without preventing them from being operated.<br><br>**Proposed Text:** Expand the text to read "Extensions of the FDP starting in the period between 18:00-**06:59** shall only be permitted ...." | |
| 1564 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 2 — | 225 | **Page No:** 225<br><br>**Paragraph No:** FTL.1.205 2(a)<br><br>**Comment:** Whilst the UK CAA understands EASA's desire to make this regulation simple to apply, all the research done in this area has focused on the type of rest facility and the time taken in it. From a safety perspective the need is to focus on ensuring the operating crew are the best rested and will be alert enough at all times when operating to ensure they can manage all normal and abnormal situations.<br><br>This regulation applies to crew who are acclimatised, not acclimatised and partially acclimatised, therefore it is too simplistic to just take the view that the regulations can negate the time of report. This has been proven as part of the need for calculated departure windows for crew operating ULR flights. | |

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| | Extension of FDP due to in -flight rest (a) | | **Justification:** The research in the RIA (page 87, third paragraph) also states that the allowable extension should depend on whether the crew member is acclimatised.<br><br>**Proposed Text:** To introduce a WOCL adjusted reduction table to the absolute limits proposed for time of day of the report. | |
| 1564 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 2 — Extension of FDP due to in -flight rest (c) | 225 | **Page No:** 225<br><br>**Paragraph No:** FTL.1.210 2 (c)<br><br>**Comment:** Two consecutive hours rest for the operating crew is insufficient.<br><br>**Justification:** Flight Safety. In order to be able to achieve rest to allow the crew to extend the FDP and be able to operate the aircraft at an acceptable level of alertness in all normal and abnormal situations.<br><br>**Proposed Text:** Extend the requirements in (c) to include “and a minimum of 3 hours, including at least two consecutive hours, for those crew members at the controls during landing.” | |
| 1564 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification | 225 | **Page No:** 225<br><br>**Paragraph No:** FTL.1.210 2(e)<br><br>**Comment:** Correct the table as the time bands overlap.<br><br>**Justification:** Clarity.<br><br>**Proposed Text:** FDP extensions should read 0:01 – 1:00, 1:01 – 02:00, etc. | |

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| | Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 2 — Extension of FDP due to in -flight rest (e) | | | |
| 1565 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 3 — Unforeseen circumstances in actual flight operations — commander's discretion (a) | 225 - 226 | **Page No:** 226<br><br>**Paragraph No:** FTL.1.210 3 (a) (1)<br><br>**Comment:** The use of Commanders discretion following FTL.1.210 1 (b) should be reduced to one hour.<br><br>**Justification:** To keep this in line with all the known science about the build up of fatigue. To prevent excessively long duty periods and the associated build up of fatigue on the crew which may lead to reduced alertness that could affect the safety of the operation.<br><br>**Proposed Text:** FTL.1.210 3 (a) (1) "The maximum basic daily FDP which results after applying FTL.1.210 1(a) may not be increased by more than 2 hours; the maximum basic daily FDP which results after applying FTL.1.210 1(b) may not be increased by more than 1 hour. Where the flight crew has been augmented the maximum flight duty period may be increased by not more than 3 hours." | |
| 1565 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT | 226 | **Page No:** 226<br><br>**Paragraph No:** FTL.1.210 4 (a)<br><br>**Comment:** This section is unclear. Subparagraph (a) seems to refer to shortly prior to report where the two options relate to after report. Suggest that EASA uses the provisions of | |

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| | OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning (a) | | delayed reporting currently used in CAP 371 to give the operator flexibility to delay crew at their place of rest to cover this area. There should also be either a definition of “shortly” or a clear statement on the application of these regulations.<br><br>Option (2) can only be used if the operator has approved reduced rest provision in their Operations Manual with an active FRM.<br><br>**Justification:** Clarity.<br><br>**Proposed Text:** Suggest clarification on when these regulations can be applied by stating that “The operator may only adjust the crew schedules where the crew are on their rest period prior to reporting or after reporting time in the event of unforeseen circumstances:” and add delayed report procedure from CAP 371. | |
| 1565 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — | 226 | **Page No:** 226<br><br>**Paragraph No:** FTL.1.210 4 (b)<br><br>**Comment:** The requirement in (b) to report the use of such measures to the competent Authority should have a time limit associated with it – suggest within 14 working days.<br><br>**Justification:** Clarity.<br><br>**Proposed Text:** “The operator shall report to the Competent Authority the use of short-term re -planning under (a)(1) or (2) **within 14 days of the event**.” | |

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| | short-term re -planning (b) | | | |
| 1565 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.215 Flight times and duty periods (a) | 226 | **Page No:** 226<br><br>**Paragraph No:** FTL.1.215 (a)<br><br>**Comment:** In line with previous UK CAA comments on OR.OPS.FTL.215(a), in order to manage cumulative fatigue over 14 days, we suggest a limit of 100 hours is added for 14 consecutive days.<br><br>**Justification:** Cumulative fatigue mitigation<br><br>**Proposed Text:** “100 duty hours in any 14 consecutive days;” | |
| 1566 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - | 226 | **Page No:** 226<br><br>**Paragraph No:** FTL.1.215 (b) (2) and (3)<br><br>**Comment:** The UK CAA’s position is that the total flight time limits should be on a 12 consecutive rolling month basis. While we appreciate that EASA have retained the WTD limit of 900 hours in a calendar year, in line with the Moebus recommendations, this 900 hour limit should be in any 12 consecutive months.<br><br>Recognising that EASA, in appreciating the recommendations from Moebus, and in order to prevent excessive flight time in any 12 months | |

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| | Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.215 Flight times and duty periods (b) | | have introduced a 12 month limit of 1000 hours, we feel the argument for 1000 hours is weak. Therefore the UK CAA is seeking clarification from EASA that the 1000 hour proposed limit cannot be exceeded at any point in the 12 consecutive calendar months period being proposed.<br><br>**Justification:** Clarification.<br><br>**Proposed Text:**<br><br>Preferred text to amend FTL.1.215 (b) (2):<br><br>900 flight hours in any 12 consecutive calendar months.<br><br>Delete FTL.1.215 (b)(3). | |
| 1566 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.225 Split duty (a) | 226 | **Page No:** 226<br><br>**Paragraph No:** FTL.1.225 (a)<br><br>**Comment:** There needs to be AMC/GM material for the calculation of the actual post and pre flight duties required. The minimum of 30 minutes is meant for the smaller CAT aircraft and is not intended for use by something like a B767.<br><br>**Justification:** Flight safety. Clarity and correct calculation of the time for required for post and pre flight duty within a split duty.<br><br>**Proposed Text:** “The operator shall demonstrate that the post and pre flight duty times within the split duty break on the ground are sufficient for all necessary safety tasks for the size and complexity of the aircraft being used.” | |

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| 1568 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.230 Standby 1 — Airport Standby (c) | 227 | **Page No:** 227<br><br>**Paragraph No:** FTL1.230 (c) (2)<br><br>**Comment:** The current allowance could lead to excessive FDPs. As the crew members have already reported, this requirement should mirror the duty calculation in split duty. Therefore if the crew are in accommodation the duty can be increased by 50% of the time in accommodation where the crew member is undisturbed.<br><br>**Justification:** Clarity and flight safety. This proposal uses the same increase in allowable FDP as other areas already agreed in the regulations for FDPs where the crew member has already reported for duty at their designated reporting point.<br><br>**Proposed Text:** If accommodation is provided to the crew member the allowable FDP shall be calculated from the report time of the airport standby and can be increased by 50% of the time the crew member is in accommodation up to a total increase of 3 hours. This calculated increased FDP shall start from the report time of the airport standby. | |
| 1569 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial | 227 | **Page No:** 227<br><br>**Paragraph No:** FTL.1.230 2 (d)<br><br>**Comment:** Further clarity is required as it is unclear from the proposals what is required or permitted, in terms of when a crew member can be called and when they can be required to report.<br><br>The proposed FDP reduction table could permit excessive duty and FDP. Further consideration should be given to a maximum total duty period and/or a revised table of FDP reduction due to the WOCL. | |

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| | Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.230 Standby - 2 — Other Standby (d) | | **Justification:** The current proposal allows for excessive total duty, potentially with inadequate rest due to the nature of rostered standby times. It could mean a crew member being on standby from 05:00 and being called at 12:00 for a report at 17:00 with an FDP of 10 hours plus extension, leading to an 11 hour FDP finishing at 04:00, i.e. a possible 23 hour duty ending in the WOCL.<br><br>**Proposed Text:** The method for reduction of the FDP allowed should be based more on total time allowed and the report time to protect the pre-flight rest opportunities afforded to the crew. This could be done either by putting a total duty time limit on the standby and FDP of a total of 18 hours or require that the allowable FDP limit is reduced by any standby over 6 hours in duration. | |
| 1569 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.230 Standby - 2 | 227 | **Page No:** 228<br><br>**Paragraph No:** FTL.1.230 2 (e)<br><br>**Comment:** The limit proposed is excessive.<br><br>**Justification:** Due to the uncertainty of being on standby for multiple days and the instability this can create when trying to plan rest, this limit needs to be reduced.<br><br>**Proposed Text:** “The maximum number of **actual hours spent on standby** shall not exceed **60** hours in any 7 consecutive days.” | |

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| | — Other Standby (d) | | | |
| 1569 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.235 Minimum Rest Period - 1 — Basic Minimum Rest (a) | 228 | **Page No:** 228<br><br>**Paragraph No:** FTL.1.235 1<br><br>**Comment:** As highlighted in the RIA (page 76) the research shows that, where several early starts are operated without an intervening rest day, fatigue is more pronounced. Therefore the UK CAA would go further and recommend that for all duties that are classified as early/late/night duties where there have been more than 3 of these duties between 2 recurrent extended recovery rest periods (RERRP) that the RERRP is further extended to include 3 local nights.<br><br>(The reference to early duty is to the UK CAA recommended extension of this definition to 05:00 – 06:59.)<br><br>**Justification:** Scientific research and to protect recovery from the effects of duties that have prevented the crew member sleeping in the WOCL.<br><br>**Proposed Text:**<br><br>Add a new FTL.1.235 1 (e):<br><br>'Where there have been more than 3 duties classified as early/late/night between 2 recurrent extended recovery rest periods that the second of these be extended to include 3 local nights.' | |
| 1570 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time | 228 | **Page No:** 228<br><br>**Paragraph No:** FTL.1.235 (b)<br><br>**Comment:** In order to prevent the 10 hour rest period away from base suffering from excessive travelling time, we suggest that EASA develops further AMC material with regard to ensuring that the 8 hour sleep opportunity is respected.<br><br>**Justification:** Clarity.<br><br>**Proposed Text:** | |

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| | Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.235 Minimum Rest Period - 1 — Basic Minimum Rest (b) | | New AMC:<br><br>“Where the operator rosters a minimum 10 hours away from base rest and in order to protect the 8 hour sleep opportunity for crew members, the operator must ensure that the travelling time to and from the hotel is no longer a total of 30 minutes. If the travelling time is greater than a total of 30 minutes to and from the suitable accommodation, the operator should increase the rest period by the amount of difference in travelling time above 30 minutes.” | |
| 1570 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - | 228 | **Page No:** 228<br><br>**Paragraph No:** FTL.1.235 1 (c)<br><br>**Comment:** The UK CAA does not agree with the proposed requirements for extended recovery rest periods. While the proposed recovery period after 168 hours is supported, the total requirements for recovery rest periods for crew are insufficient. There needs to be requirements for quality recovery days that afford the crew member a longer recovery period over consecutive days and a minimum number of recovery days in any 4 weeks. This can be achieved whilst still affording the operator flexibility.<br><br>**Justification:** These recovery days are essential for the management of and recovery from cumulative fatigue which cannot be left to a social agreement. As crew members on average work a variable and unstable pattern of duties combining early, late, night duties in no set pattern with the possibility of considerable time zone crossings, there needs to be the additional requirements for recovery. As stated in the RIA (page 55) research (Belenky – Vol. 12 p.10, 2003) has shown that even a mild to moderate | |

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| | FTL.1.235 Minimum Rest Period - 1 — Basic Minimum Rest (c) | | sleep restriction, recovery sleep over several days may only partially restore performance. Therefore it is essential that recovery days are more comprehensively addressed in the regulations.<br><br>**Proposed Text:** Propose an additional definition of “recovery day” which must include 2 local nights and may form part of a recurrent extended recovery period. Add the requirement in FTL.1.235 (c) of at least twice in 28 days that the recurrent extended recovery period is increased to at least 54 hours including 3 local nights; plus a minimum of 7 “recovery days” in 28 consecutive days, with an average of 8 “recovery days” over 84 days. | |
| 1570 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.235 Minimum Rest Period - | 228 | **Page No:** 228<br><br>**Paragraph No:** FTL.1.235 3<br><br>**Comment:** The introduction of reduced rest is a new provision for most countries and needs to be carefully managed. To date the research has been very specific to regional operators and therefore the application of these regulations can only apply to similar types of operators.<br><br>Therefore this section needs to be further developed to ensure that it is only used in the same circumstances that it was researched. The UK CAA proposes that the use of FTL.1.235 3 will only be allowed under the specific approval of the Competent Authority and conditional on the operator holding an approved FRM.<br><br>Also, in order to ensure that reduced rest provision is used in comparable circumstances to those that were researched, it is suggested that further conditions be a planning limit of 8 hours 30 minutes reduced rest and that crew members will be acclimatised.<br><br>**Justification:** Flight Safety.<br><br>**Proposed Text:**<br><br>Under 3 – Reduced Rest, add the following overarching point: | |

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| | 3 — Reduced Rest (a) | | 'The use of reduced rest can only be granted by separate approval by the Competent Authority and is conditional to the operator holding an approved FRM'.<br><br>Add additional bullet points:<br><br>'Minimum planned reduced rest is 8 hours 30 minutes. This can be reduced on the day of operation due to unforeseen circumstances to an absolute minimum of 7 hours 30 minutes.'<br><br>'All crew members must be acclimatised to local time.' | |
| 1571 | NOTICE OF PROPOSED AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - I. DRAFT OPINION — PART ORGANISATIOI REQUIREMENT (PART-OR) - Appendix X - Flight Time Specification Schemes - Section 1 Commercial Air Transport by Aeroplane — Scheduled and Charter Operations - FTL.1.210 Flight Duty Period (FDP) - 4 — Unforeseen circumstances in actual flight operations — short-term re -planning - FTL.1.250 Fatigue management training (a) | 229 | **Page No:** 229<br><br>**Paragraph No:** FTL.1.250<br><br>**Comment:** The UK CAA strongly supports this requirement. However, there needs to be included the requirements for records to be kept (include a measure of competency), plus a need for recurrent training.<br><br>**Justification:** Clarity of requirement.<br><br>**Proposed Text:**<br><br>(c) Training records (including a measure of competency) will be maintained and presented to the Competent Authority on request.<br><br>(d) Recurrent training will occur at intervals of no less than 24 months. | |
| 1571 | NOTICE OF PROPOSED | 231 | **Page No:** 231 | |

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| | AMENDMENT (NPA) No 2010-14C - C. Draft Opinion and Decision Part-OR (Subpart OPS) - II. DRAFT DECISION AMC AND GM TO PART ORGANISATIOI REQUIREMENT (PART-OR) - Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Part-OR - Section VIII — Flight and duty time limitations and rest requirements - AMC1-OR.OPS.FTL.11 (d)(1) Fatigue Risk Management (FRM) | | **Paragraph No:** AMC1-OR.OPS.FTL.115<br><br>**Comment:** As previously stated, as the AMC material referenced to OR.OPS.FTL.115 is actually part of the ICAO SARP and not strictly guidance material, the AMC material should be placed under OR.OPS.FTL.115.<br><br>However, in view of its size an Annex could be appropriate.<br><br>**Justification:** In accordance with ICAO requirements. | |

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