



Article 14 / 22 Applications

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Article 14(6) / 22 Details
CAA Application Process
Safety Case Assessment
EASA Process

Derogations / Deviations

- Regulation (EC) No 216/2008 of the European Parliament and of the Council 20 February 2008
- **Commission Regulation 83/2014 - 29 January 2014 (Subpart FTL)**
- Article (5) “Member States may derogate or deviate from this Regulation or the related certification specifications respectively” “Any derogations or deviations from this Regulation should be notified and treated in accordance with Articles 14 and 22 of Regulation (EC) No 216/2008”
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Derogations / Deviations

- Article 14(6) permits a derogation to the Implementing Rule (ORO)
- Article 22 permits a deviation to the Certification Specification (CS)
- All have to be first assessed and approved by the CAA before they are used
- The operator is required to develop their FRM prior to applying for a derogation or deviation.
- Article 14(6) & 22 applications will require the operator to develop a trial proposal proportionate to the request

Article 14 / 22 Application Process

- First contact your assigned FOI to discuss the broad outline of the proposal for deviation or derogation
- The FOI will review the operators current performance with regard to managing their fatigue related risks under ORO.FTL.110 requirements and FRM
- The FOI will then contact the Flight Standards Officer (FSO) to discuss the outline proposal and may arrange for a meeting to discuss further or arrange for the FSO to discuss the proposal directly with the operator

Article 14 / 22 Application Process

- Following an initial assessment, if the proposal overview is considered suitable, the operator will be required to complete an application process (including a fee)
- The CAA will advise the Commission / EASA (as required) to expect an application
- The FSO will provide the operator the EASA Individual Flight Time Specification Scheme safety case assessment document

Article 14 / 22 Application Process

- The operator will need to develop their trial proposal and safety case
- The operator will submit the final documentation to the CAA following the application process.
- The CAA will conduct a review of the operator's proposal, if necessary adjustments or additional information may be required
- Once the proposal has been agreed the CAA will submit this to the Commission or EASA (as required)

Evaluating the Safety Case

Key elements when reviewing the trial proposal

- **Six steps**
- Assessment of nature, scope and impact of proposed change
- Assess hazard and consequence identification
- Evaluate the way the risk has been assessed
- Assess the risk mitigations
- **Assess the claims, arguments and evidence**
- Assess assurance plan to manage residual risk



Step one – Assessment of nature, scope and impact of proposed change

- Understanding the deviation / derogation / variation
- Understanding the nature of the proposal
- Understand the operational environment
- Understand the impact of the change on the environment
- Any related operational impacts

Step two – Assessment of the hazard and consequence identification

- Sample all or some of the hazards and consequences to assess if an appropriate hazard identification process has been carried out.



Step three – Evaluating the way that the risk has been classified and accepted

- Assess the methodology used to grade likelihood and severity of risk
- Has an appropriate risk tolerability method been used and applied consistently



Step four – Assessing the risk mitigations measure

- Sample all or some of the proposed mitigations
 - Are they robust
 - Are they reasonable
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- Have the risks been reduced to an acceptable level

Step five – Assessing the validity of the supporting claims, arguments and evidence.

- Review the claims associated with the mitigations
- Review the arguments used
- Most importantly review the evidence – more than a risk matrix
- Does it work as a whole
- Have all the areas been considered for what should be done or just what could be done

Step six – Assurance processes

- How is the organisation going to manage the change (the gap between now and future state)
- Transitional risks
- Review how the operator will revise its assurance processes and SPI's to track the change and steady state
- Review the process to monitor for any knock effects that may show up in other areas or SPI's

EASA Process

- EASA has one month to respond to the CAA once the proposal has been submitted
- EASA's group of experts will review the application
- EASA will either accept the proposal and publish it, reject it, require amendments or ask for additional information
- EASA has yet to finalise the full details of the process. We are expecting more information to be announced in late February

Summary

- FRM approval is a requirement
- The operator will need to develop a safety case
- EASA has yet to finalise it's full requirements but there has been agreement on the draft proposals
- Once the final details are know the CAA will be able to complete to development of our internal processes
- **Discuss any plans with us at an early stage**

Thank you for your attention