EASA Flight Time Limitations (FTL) - Q & A

CAP 1265

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General information

When is the new EASA Regulation for FTL applicable?	Commission Regulation (EU) 83/2014 is applicable from 18 February 2016.
Which types of operator does the EASA Regulation FTL apply to?	The regulations apply to aeroplane Part-CAT operators.
Are there any exemptions?	Air Taxi operators (where they operate aeroplanes of 19 seats or less), Emergency Medical Services, and Single Pilot Operations will be covered by a future rulemaking task. These exempted areas will remain under UK national legislation for now. Some air taxi operators may choose to use the new regulations, but this will only be considered once those operators directly affected have transitioned.
Do the new EASA FTL regulations apply to Cargo operations?	Yes.
Would a two-crew aeroplane with a MOPSC of more than 19 be required to comply with the new EASA FTL regulation if only operating 'non scheduled on demand'?	Yes. Because of the number of seats, the operation would no longer be classed as 'Air Taxi' and therefore, the new regulation would become mandatory.

Where an aeroplane operation is a mixture of two-crew and single crew and/or a mixture of scheduled and 'Air Taxi' operations, does the new EASA FTL regulation apply?	If any part of the operation includes activities other than Air Taxi, EMS or Single Pilot, then the new regulations would apply. In the case of combined single/two- crew operations for operators who are covered by the new regulation, the CAA would use the single pilot 'tables' from CAP371 as no equivalent single pilot Flight Duty Period (FDP) limits are contained in the new regulation.
What is the submission process for new FTL schemes?	The operator should complete the compliance checklist within the CAA guidance to developing an FTL scheme (Appendix 1 from EASA FTL Regulations – combined document page 4 – 8). If a requirement is not applicable to your flight time specification scheme complete column with N/A. Return the completed checklist to your flight operations inspector together with the updated OM Part A Section 7, the Notice of Proposed Amendment form, the operators transition safety case and the associated processes and procedures that support the application to npa@caa.co.uk . A desktop review of these documents will be completed and we will arrange an audit of the operator's processes and procedures. The FTL approval will not be granted until all the processes and procedures required under the regulations have been reviewed and accepted. When the operator successfully passes this audit the CAA will issue the new approval.
What other legislation has an impact on crew members in the UK?	The Civil Aviation (Working Time) regulations (CA(WT)R) 2004, which came into force on 13 April 2004. This was amended by The Civil Aviation (Working Time) (Amendment) regulations 2010, which came into force on 28 June 2010.

What are the CA(WT)R limitations that are of particular impact?	▪ Regulation 7 (2)a (2004) **Pattern of work** ▪ Regulation 9 (2004) **Maximum annual working time** ▪ Regulation 9A (2010) **Standby time** ▪ Regulation 10 (2004) **Rest Days**
Will the CA(WT)R be audited as part of the FTL transition process?	The limitations of the CA(WT)R have been and continue to be audited by the CAA as part its routine oversight. Where the operator chooses to use the reduced duty hours from home standby, there needs to be an additional method for tracking annual duty hours for the working time directive.
Where there is a conflict between the new FTL regulation and the CA(WT)R, which takes precedence?	The more stringent requirements will apply.

What are the timelines for the EASA FTL transition process?	Operators can apply for a new EASA compliant FTL Approval from November 2014. The application process will take at least three months and will involve scrutiny of the proposed FTL scheme and visits to the operator. We will issue EASA compliant FTL Approvals from February 2015, subject to meeting all applicable requirements. The process will take considerably longer if the application includes one or all of the following: ▪ the use of FRM for an operator that does not already have an FRMS approval ▪ an Article 22 request ▪ any 'Alternative Means of Compliance' (AltMoc). The latest date to apply for an EASA compliant FTL Approval will be 18 November 2015. There is no guarantee that applications received after this date will be processed in time. All applicable operators must be in possession of an EASA compliant FTL Approval by 18 February 2016. Existing UK ANO FTL Approvals will no longer be valid after this date. **Article 22 requests** For Article 22 requests, the operator will need to develop a safety case, develop FRM for their operation and present this case to us. Once we are satisfied with the data, FRM and safety case the application for an individual scheme will then be sent to EASA. EASA will then take approximately three months to review and accept the application. We will be setting a fee for Article 22 applications. As soon as this is agreed, the fee will be published in the scheme of charges.

What will happen to UK issued FTL 'Variations' (e.g. Level 1/2, Self Drive Positioning, alternative base etc) and other non standard 'legacy' text contained in UK FTL schemes?	All FTL schemes must comply with the requirements set out in Commission Regulation (EU) 83/2014 and associated Certification Specifications. UK FTL Variations will become void from 18 February 2016 or from the date of issue of an EASA compliant FTL Approval (whichever is the earlier). Legacy text will not be permitted where it is less restrictive than the new Regulation. An official AltMoc may be considered. These are subject to scrutiny by the CAA and EASA, and may be rejected. Should an operator wish to continue to use self-drive positioning then they can continue to do so as the definition of positioning does not state the requirement for this to be as a passenger. However, the CAA will still expect that the operator follows the current variation requirements and has a visible procedure as part of their ORO.FTL.110 requirements.
In respect of ORO.FTL.205 (e) (iii) Maximum daily FDP with the use of extension due to in-flight rest will the CAA make use of the derogation provision in the EASA FTL regulation?	The CAA currently requires either Class 1 or Class 3 facilities in order to meet our requirements and therefore already meets the enhanced requirements of CS FTL 1 205 (c) . The derogation is therefore not applicable
Will EASA be developing FTL requirements for non CAT operations?	Yes. Timescales for these rulemaking tasks are being developed.
Where can I find more information about the Alternative Means of Compliance (AltMoc)?	An application to propose an Alternative Means of Compliance (AltMoc) should not be submitted until discussions have taken place with the CAA. The same process for application for an AltMoc to any other EASA OPS AMC would be followed.
Do other parts of the EASA Air Operations Regulation impact on FTL?	Yes, CAT.GEN.MPA.100 in respect of 'Crew Responsibilities'.

Fatigue management

When does the training have to be completed by?	The Fatigue Management Training requirements under ORO.FTL.250 will need to be completed prior to the new approval being issued.
What format of fatigue management training is acceptable?	As a minimum fatigue risks and processes (such as fatigue reporting) will need to be provided through face to face training. The operator may then conduct the more generic fatigue awareness training though classroom or computer based training. Training may be given in modules where appropriate. The operator must be able to provide a training plan, the methods of training and how they meet the requirements.
Do operators have to comply with the requirements of ORO.FTL.120 'Fatigue Risk Management' (FRM)?	Generally no. However, there are some very specific requirements that would make FRM mandatory.
Will I be able to get an FRM approval with the initial issue of my EASA FTL scheme?	Unless an operator already has an approved FRM they will not be able to apply for an FRM with their initial issue of EASA FTL approval. FRM requires time to develop and establish. EASA's requirements for FRM are identical to those required by ICAO and detailed in the ICAO FRMS manual for operators/regulators. These manuals are free to download from the ICAO website at www.icao.int. The processes to develop an FRM to the point of approval are detailed in these manuals. We will be using these manuals as the basis to review FRM applications.

What are the particular areas within the requirements that mandate FRM?	▪ ORO.FTL.205 Flight Duty Period (FDP), when taking advantage of the less restrictive requirements in Table 4 in respect of crew members in an unknown state of acclimatisation. ▪ CS FTL.1.235 Rest Periods, when seeking derogation from the standard minimum rest requirements. ▪ Any Article 22 application will require an FRM proportionate to the Individual FTL scheme being requested. We waiting for EASA to confirm the process for applying for Article 22 derogations.
Where FRM is not mandated, should the principles be applied to certain key areas of the operation in regards to the management of fatigue?	EASA and the CAA encourage principles of FRM to be adopted as part of the Management System required by ORO.GEN.200. This should be proportionate to the operators fatigue risks as identified in their SMS processes. Areas include: ▪ ORO.FTL.110 Operator Responsibilities - These responsibilities go beyond numerical compliance with minimum and maximum limitations. The intent of these responsibilities is that the operator, through their SMS, demonstrates the management of their fatigue risks as identified within their operational context. This is an implementing rule and, as described at our seminars on the regulations, operators will be expected to develop processes and procedures to demonstrate how they meet these responsibilities. ▪ CS.FTL.1.205 Flight Duty Period (FDP) - In respect of managing the fatiguing effect of night duties of more than 10 hours in relation to the surrounding duties and rest periods. A night duty means a duty period encroaching on portion of the period between 02.00 and 04.59 to which the crew member is acclimatised.
If an operator does not have an FRM what do they need to do to demonstrate they meet the requirements of ORO.FTL.110?	The CAA and EASA have stated that an operator must manage all its risks, including the risk of fatigue. ORO.FTL.110 is designed to support this requirement. Compliance with the numerical limits is only one element within the regulations. Operators must assess the risks of fatigue created by their operational context and the way that they construct the crew member's rosters. Operators will be expected to develop processes and procedures to demonstrate how they meet these responsibilities.
Which personnel must receive Fatigue Management training?	Fatigue management training must be given to 'crew members, personnel responsible for preparation and maintenance of crew rosters and management personnel concerned'.

Definitions

CS FTL.1.205(a)(1). What does "consecutive" mean here?	Consecutive is referring to two night duties only separated by a rest period. Two night duties would not be considered as consecutive if there is recurrent extended recovery rest between them or they are separated by rest periods surrounding a non-night duty.
What does FDP relate to in CS FTL.1.235 (c)(4) mean?	It means the maximum daily FDP.
In definitions ORO.FTL.105(18) there is a term "private place of rest", what does this mean? **There is also the term 'place of rest', what does this mean?**	Private place of rest means a location which is provided by and paid for by the individual crew member. This could be their home, accommodation rented close to their base, etc. Place of rest means a location which provided and paid by the operator.
In definitions ORO.FTL.105 (27) there is the term "home", how does this impact this definition?	The term "home" in this definition is in regard to a location for standby that has suitable accommodation provided by the crew member. We recognise that this definition could be simplified to just 'suitable accommodation' as this definition relates to both operator and crew member provided facilities.
The definition of eastward – westwards transition has been deleted but there is still a requirement in the Certification Specifications. What has happened to this definition? What definition applies?	The definition of eastward-westward transition was deleted in error during the translation process. EASA has confirmed the definition is the same as it was when the opinion was published and will be added to the C.S. as part of the next FTL rulemaking process. The definition is: 'Eastward-westward and westward-eastward transition' means the transition at home base between a rotation crossing six or more time zones in one direction and a rotation crossing four or more time zones in the opposite direction.

GM1 CS FTL.1.200 uses the term 'residence' in relation to travelling time to home base. Can the CAA clarify this term in this context?	We understand that the term residence means the same as private place of rest. Travelling time from the place where the crew member takes their rest period prior to an FDP should be no longer than 90 minutes travelling time from their private place of rest to place of report.

Flight duty period

How do we calculate when an FDP falls within the disruptive schedule calculations when crew are acclimatised but operating through different local times?	The classification of a duty as 'disruptive' is only possible whilst a crew member is acclimatised and depends on: ▪ The local time at the point of departure if the point of departure is within the acclimatisation zone; or ▪ The local time of the previous departure time zone (as long as the crew is considered to be acclimatised there) if the point of departure is outside the acclimatisation zone. See ORO.FTL.105 for further information.
How do we determine the reference time when calculating the allowable FDP for early/night duties?	EASA has confirmed that the reference time of place of report is the time point to be used with regard to calculating disruptive duties. They state the precedent is that this is the same approach where crew go beyond the acclimatised window (more than 2 hours' time difference) and the reference time used is previous place of report. The difference being that for a known state of acclimatisation (within the window) after a normal rest period the crew uses the local time of the place of report as the reference for calculating the allowable FDP (and early/late/ night duty).

How do we calculate the maximum allowable FDP that can be used for FDP's that use in-flight rest for cabin crew?	Calculation of the maximum FDP when using in-flight rest for cabin crew. An operator must be able to demonstrate that in planning an FDP that uses in-flight rest for cabin crew that the cruise phase of flight allows for all crew to achieve at least the minimum rest required for the maximum FDP selected for that flight. Considerations are: ▪ Rest facilities on-board – type and number ▪ Service requirements – time it will take to complete all the different services required by the operator ▪ Number of cabin crew on-board – minimum number required to meet the safety requirements The operator then calculates the maximum FDP limit it will use for the flight. The operator then tracks that it achieves the rest required for that maximum FDP. Example: the rostered FDP is 15 hrs 25 minutes and (assuming class 1 rest facilities) requires a minimum of 2hrs rest for each cabin crew member in order to fall within the maximum FDP limit of 15hrs 30mins. The operator may calculate that the crew will all receive a minimum of 2hrs 35mins of rest (based on the considerations above) and therefore the maximum FDP which can be nominated to that planned FDP is 16hrs 30mins. The operator may consider using a buffer limit as the maximum limit. In this example, the planned FDP may be 15hrs 25mins and all the crew will get at least 2hrs 35mins in class 1 rest but the operator may elect to use the lower limit of 16hrs maximum FDP for the flight to ensure that all crew achieve at least 2hrs 15mins rest. This would allow for disruption on the day.

With regard to extensions (ORO.FTL.205 (d) (3), what does planned in advance mean?	Planned in advance means the same as it currently does for Level 2 or Florida variations. The operator should plan and nominate those pairings that require the use of an extension at the beginning of the season. The minimum notification to the crew member that they are going to operate an extended duty would be prior to the rest period for the duty. If a crew member is on standby then it is reasonable that they could expect to operate any FDP that is planned within the limits(including an extended FDP) An operator cannot change an already rostered FDP to an operator extended one or rescheduled an FDP with the use of the operator extension allowance on the day.

Acclimatisation

How do you work out your state of acclimatisation and rest requirements after rotations with three or more FDPs, including FDPs in both directions and within the destination time zone?	A crew member is considered to be acclimatised to the time zone of the reference time for the first 48 hours. After 48 hours of the rotation has elapsed, the crew member is considered to be in an unknown state of acclimatisation. The crew member only becomes acclimatised to the destination time zone if they remain in the first arrival destination time zone (either for rest or any duties) for the time established in the table in ORO.FTL.105(1). If a crew member's rotation includes any additional duties that end in a different time zone to that of their first arrival destination's time zone while they are in an unknown state of acclimatisation, then the crew member remains in an unknown state of acclimatisation until they have: ▪ taken the rest period in accordance with CS FTL.1.235(b)(3) at home base; ▪ taken the rest period in accordance with CS FTL.1.235(b)(3) at the new location; or ▪ been undertaking duties starting at and returning to the time zone of the new location until they becomes acclimatised in accordance with the values in the table in ORO.FTL.105(1). To determine the state of acclimatisation the following criteria should be applied: ▪ the greater of the time differences between the time zone where they were last acclimatised or the local time of their last departure point and the new location; and ▪ the time elapsed since reporting at home base for the first time during the rotation. **Rest after rotations with three or more FDPs** For a rotation with three or more FDPs, use the greatest time zone difference from the original reference time to determine the minimum number of local nights of rest (in accordance with the table in CS FTL.1.235(b)(3)(i)). If such a rotation includes time zones crossings in both directions the calculation is based on the highest number of time zones crossed in any one FDP during the rotation.

Disruptive schedules

CS FTL.1.235 (a) and (b) Disruptive schedules. Can the CAA provide some clarity and worked examples on how to work out disruptive schedules both for FDP and for duty.

CS FTL.1.235(a). The intention is to mitigate the acute disruption of the sleep pattern by prescribing one local night of rest at home base. To control transient fatigue potentially occurring during an FDP on the early duty following a rapid transition of sleep/wake cycle. The flight safety risk is around the early FDP.

If the early duty following a late or night duty could lead to an FDP (standby or duty at the airport) then the rest period must include a local night.

FDP	**FDP**	**YES**
FDP	**Other duty**	**NO**
Other duty	**FDP or standby/ duty at the airport**	**YES**
Other duty	**Other duty**	**NO**

CS FTL.1.235 (b) Additional rest after a block of working days with a disruptive schedules that meet the definition. This is to allow for a dissipation of cumulative fatigue. This is required regardless of the type of duty.

Nutrition

AMC ORO.FTL.240 Nutrition. Does the crew member need to be "off task" to take their meal opportunity?	No .There is no definition for "off task" and a duty period runs continuously from report to off duty time. As part of planning the operator must ensure that there is capacity within the duty/FDP for this Implementing Rule to be met and specify in the Operations Manual. On the day within an FDP either the Captain or the Senior Cabin Member is responsible for ensuring that the nutrition requirements in ORO.FTL.240 are met

Standby

What are the rest requirements following standby duties (other than airport standby) where the crew are not called out (1) and where they are called out (2)?	EASA has clarified that the intention is that prior to an FDP the rest period required following a standby (other than airport standby) is the minimum rest of 12 hours at home base or 10 hours away from base even where the standby may have been up to 16 hours. Where the crew member has been called out GM1 CS FTL.1.225 (c) applies "the actual reporting time at the designated reporting point should be used for the purpose of ORO.FTL.235".

How do you apply CS FTL.1.225 (b)(2)? **What is the definition of "awake time"?**	CS FTL.1.225 (b)(2) The operator's standby procedures are designed to prevent the combination of standby and FDP leading to more than 18 hours awake time. EASA have not provided a definition of "awake time". A straight forward mathematical answer is not possible. There is no expectation on the operator verify how long a crew member has been awake. However, the operator has to design its standby procedures in a way that the duty in combination with the FDP will manage this limitation. The operator can only manage what it has control of (the standby and FDP). The operator's procedures need to demonstrate how the awake time is managed. It is reasonable for the operator to expect a crew member to manage rest and nap opportunities in pre-duty rest periods and while on standby to enable them to carry out an FDP. The expectation is on the design of the procedure. The procedures may include mitigations to increase the level of alertness which in certain circumstances afford the FDP to be planned beyond 18 hours of standby and FDP. For example, an operator may have different approaches for flight and cabin crew, where it has minimum flight crew but extra cabin crew are carried, the availability of in-flight rest, possibly different procedures down-route or where the crew are on standby in operator provided suitable accommodation, etc. The procedure and expectation of the crew to rest appropriate for their standby and possible duties should also be included when training crew. Once the crew has been called out then the normal procedures with regard to being fit to operate apply and should be managed by the commander/senior cabin crew with the limits of the scheme.

The standby section is confusing. Can the CAA confirm the difference between airport standby and duty at the airport and how to apply the non-airport standby regulations?	ORO.FTL.225 covers all types of standby and also duties at the airport that could lead to an FDP. For airport standby the specifically quoted "airport standby" bullet points apply as well as CS FTL.1.225 (a). When on airport standby, the FDP is calculated from the pre-flight report time that a crew member is called for not the start of the airport standby. Any time over four hours on airport standby will reduce the allowable FDP - the combined standby and FDP cannot be longer than 16 hours (if accommodation, in accordance with the definition, is provided). If no accommodation is provided then the crew member is considered to be on FDP as well as duty at the airport from the time they report. For other duties at the airport that could lead to an FDP, then ORO.FTL.225 (d) applies with the reporting time for the duty at the airport being used for the calculation - and start time of an FDP if the crew member is subsequently called to operate a flight. All requirements of ORO.FTL.235 must be applied to duties at the airport. While the operator could just roster the term "Duty at the Airport", it is advised that operators develop a list or series of codes to indicate the tasks that are required during the duty. This could include standby (but not using the extensions permitted under airport standby), training, briefings or meetings and then include the requirement to operate a flight or flights. No accommodation would need to be provided for duties at the airport.

Reserve

Can reserve be counted as a rest period or day off?	No. Reserve cannot be included in a rest period. The application of reserve is very similar to CAP371 contactable requirements. It is a duty day but has not accountable duty hours. Unused reserve days remain duty days and cannot be counted retrospectively as days off.

Commanders discretion

It is unclear how the use of commanders discretion would apply when crew members are operating a two pilot extended FDP?	The use of commanders discretion is always based on the maximum daily FDP table. If, on the day an operator planned extended FDP limit requires the use of discretion, the commander would refer to ORO.FTL.205 (b)(1) maximum daily FDP and could use their discretion of up to two hours to extend the limit in this table (in accordance with ORO.FTL.205(f)).
Has anything changed with regard to the use of discretion under the new rules?	No, the intent surrounding the use of discretion has not changed from that under CAP 371. ORO. FTL.205(f) establishes the conditions within which the commander may decide to modify the limits on flight duty, duty and rest periods. The operator should have a reasonable plan to manage delays or disruption to a rostered duty. A crew member should not report for a duty to find that the operator is expecting the use of discretion. If a significant delay is known in advance and the FDP is calculated to go beyond the daily maximum FDP then the crew member, where possible and in line with the operator's delayed reporting procedure, should be delayed at home. In accordance with the operator's non-punitive policy on the use of commanders discretion, in case of unforseen circumstances an operator can ask the commander if they are prepared to reduce rest or extend an FDP. However, only the commander can decide to use any or all of the discretion allowance. Discretion can be used from home base.

Dual base

We currently use the dual base variation. In ORO.FTL.200, it states that the operator will assign a home base to each crew and then in CS FTL.1.200(a) it states that the home base must be a single airport location. **Is it possible to continue with our dual base arrangements?**	Operators must nominate a home base for all their crew members and can position crew from this nominated base to another location. Should an operator feel that their operation needs to continue with crew reporting directly to an alternative base, (not considered as positioning), they can apply for an individual FTL scheme under Article 22.

Rest periods

ORO.FTL 235(d) it states the recurrent extended recovery rest period shall be increased to two local days twice every month. Does this mean within a calendar month?	Yes. EASA has confirmed the recurrent extended recovery rest period to contain two local days twice a month which must fall within the calendar month.