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<b>Title</b>	Development of FTL for commercial air transport operations of emergency medical services by aeroplanes and helicopters
<b>NPA Number</b>	NPA 2017-17

**UK CAA** (European.Affairs@caa.co.uk) has placed **23** unique comments on this NPA:

<b>Cmt#</b>	<b>Segment description</b>	<b>Page</b>	<b>Comment</b>	<b>Attachments</b>
103	(General Comments)	0	<p><b>Overall Comment</b></p> <p><b>Comment:</b> The CAA supports the extensive work that EASA has done to complete this complex rulemaking task.</p> <p>Our comments focus on areas where the proposals lack an element of clarity or consistency and in some cases where the changes in the text have created a different meaning to the original requirements in Subpart FTL.</p> <p>In order to improve clarity and ensure that the application of the requirements is as intended, we believe EASA should consider including some additional guidance, especially where the requirement is intended to deliver a certain level of performance within each operator's working context. Additional guidance was developed during the Rulemaking group work for ORO.FTL.110(j) and the UK CAA has also developed guidance on implementing the ORO.FTL.110 requirements. It would support both the industry and the regulators if this material could be included or further developed / supported by EASA for the final Decision material.</p> <p>EASA are requested to consider additional AMC / GM to support application of the requirements, specifically for ORO.FTL.110.</p> <p><b>Justification:</b> Following the implementation of Subpart FTL, it became clear that some operators required more descriptions of acceptable means of compliance and guidance in order to apply the regulations as intended. This would support the NAA's with the implementation and oversight of the requirements.</p>	
104	3.1. Draft cover regulation	8 - 9	<p><b>Page No:</b> 8</p> <p><b>Paragraph No:</b> 3.1 Draft Cover Regulation (Draft EASA Opinion), Article XX</p> <p><b>Comment:</b> The intent of the monitoring and evaluation of the regulations is supported. This list is also useful for the oversight of fatigue management in any type of operation.</p> <p>There appears to be a grammatical error in paragraph two of the text as it refers to "<b>once a</b> year after" when, it would appear, that the intent was "<b>one</b> year after" in terms of submitting the data. However, collecting meaningful data in line with the required list within one year of the regulations becoming applicable would generate a high workload for NAA's. Embedding the change to the</p>	

			<p>regulations and conducting oversight will be the priority for the NAA's. We propose that the "one year" requirement for the provision of data is extended to two years to ensure there is sufficient time to establish the methods and process necessary to collect the data in a standardised manner.</p> <p>EASA has proposed a date of 2025 for the publication of the first report on this data. It is unclear on what basis this date is derived. EASA are requested to provide clarity on this and ensure that it is appropriate to the finally agreed applicability date of the regulations.</p> <p>Note: The UK CAA has raised a linked comment to this one as referenced on page 68 with regard to the monitoring and evaluation of the regulations. We are requesting support for the NAA's from EASA to ensure the consistency of the data that is provided for the report.</p> <p><b>Justification:</b> Sufficient time is provided to NAA's to develop their processes to collect the required data in a useful and standardised manner.</p> <p><b>Proposed Text:</b> Propose the text is amended to state that the review data is submitted not less than <b>two</b> years after the date of application.</p> <p>In addition, EASA are requested to clarify the basis behind the 2025 date of the first report on the results of the review once the applicability date for the regulation has been finalised.</p>	
105	3.1. ORO.FTL.105	9 - 10	<p><b>Page No:</b> 9</p> <p><b>Paragraph No:</b> ORO.FTL.105, (13) Definitions "flight time"</p> <p><b>Comment:</b> The word "total" is missing from this definition and should be included as per PART.FCL.010, Definition for Flight time:</p> <p><i>"for aeroplanes, touring motor gliders and powered-lift, it means the <b>total</b> time from the moment an aircraft first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight;</i></p> <p><i>for helicopters, it means the <b>total</b> time from the moment a helicopter's rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped."</i></p> <p><b>Justification:</b> Consistency</p> <p><b>Proposed Text:</b> Include the word "total" in the definition in line with the PART FCL definition.</p>	
106	3.1. ORO.FTL.105	9 - 10	<p><b>Page No:</b> 10</p> <p><b>Paragraph No:</b> ORO.FTL.105, (24) Definitions "sector"</p> <p><b>Comment:</b> The text within the sector definition has been changed from "aircraft" to "aeroplane". This appears to contradict the numerous references to 'aircraft' throughout the document, including the new EMS definition (which is adapted from the HEMS definition).</p> <p>It is important to maintain the definition to include "aircraft" as the definition of an FDP "means a period that commences when a crew</p>	

			<p>member is required to report for duty, which includes a sector or a series of sectors, and finishes when the aircraft finally comes to rest and the engines are shut down, at the end of the last sector on which the crew member acts as an operating crew member". All FDP tables (fixed and rotary) are premised on this definition.</p> <p>Sector is also specifically used in the CS FTL.3.205(f) Flight duty period - HEMS</p> <p><b>Justification:</b> The definition of both FDP and EMS flight contains a reference to sector in terms of describing the flight that applies to both fixed and rotary wing. Maintaining the term "aircraft" within the sector definition aligns it to the FDP, EMS and HEMS definitions and affords the final empty sector of the flight the same privileges as the loaded sectors.</p> <p>It would generate confusion with the use of the FDP definition and application of the requirements in CS 3.</p> <p><b>Proposed Text:</b> Retain the sector definition as "between an <b>aircraft</b> first moving".</p>	
107	3.1. ORO.FTL.105	9 - 10	<p><b>Page No:</b> 10</p> <p><b>Paragraph No:</b> ORO.FTL.105, (29) Definitions "EMS flight"</p> <p><b>Comment:</b> The definition has been adapted from the HEMS definition but it is missing the requirement that the helicopter must be operating under a HEMS approval. This is an important reference within the HEMS definition and needs to be consistent within this definition.</p> <p><b>Justification:</b> Clarity and consistency</p> <p><b>Proposed Text:</b> "... or helicopter (<b>operating under a HEMS approval</b>) ..."</p>	
108	3.1. ORO.FTL.110	10	<p><b>Page No:</b> 10</p> <p><b>Paragraph No:</b> ORO.FTL.110 (j) &amp; (k) Operator Responsibilities</p> <p><b>Comment:</b> Bullet point (j) includes Air Taxi operations within the need to change arrangements where the operation "in that schedule during a scheduled seasonal period" is exceeded by 33%. Bullet point (j) should only be for scheduled and charter operations and Air Taxi operations should be moved into bullet point (k).</p> <p><b>Justification:</b> Air Taxi operations do not set schedules for a seasonal period as by their nature they are on-demand and short notice operations. Therefore, the assessment of realistic planning would be better represented if they were included in bullet point (k).</p> <p><b>Proposed Text:</b> Bullet point (j) add "<b>except for air taxi</b> and EMS" and insert in bullet point (k) "<b>in air taxi</b> and EMS operations"</p>	
109	3.1. ORO.FTL.205	10 - 13	<p><b>Page No:</b> 11</p> <p><b>Paragraph No:</b> ORO.FTL.205 Flight duty period (FDP), (b) (1) Two pilot and Single pilot operations</p> <p><b>Comment:</b> The addition of the terminology "two-pilot operation other than HEMS", or "single-pilot operation" could potentially generate confusion on the applicability of the tables to cabin crew</p>	

			<p>members. EASA are requested to clarify the applicability of the tables to cabin crew. The term applicable to “two-pilot operation” needs to be clearly explained in terms of the FDP limit for cabin crew. This could be within the text or within FAQ, stating this applies to all crew members carried where the flight crew consists of a minimum of two pilots.</p> <p><b>Justification:</b> Clarity of the application of the tables to cabin crew.</p>	
110	3.1. ORO.FTL.210	13 - 14	<p><b>Page No:</b> 13</p> <p><b>Paragraph No:</b> ORO.FTL.210 (a)(c)(d) Flight times and duty periods</p> <p><b>Comment:</b> We believe the insertion of additional text in sub-paragraphs (a), (c) and (d) has changed the meaning and application of the limits. By inserting the text “either of the following limits” implies an either / or meaning suggesting that only one of the limits need to be applied. This would be an incorrect application and generates potential confusion.</p> <p><b>Justification:</b> The correct application of this requirement.</p> <p><b>Proposed Text:</b> Delete “either of” in sub-paragraphs (a), (c) and (d), leaving the text at “shall not exceed the following limits” or change “either” to “any”.</p>	
111	CS FTL.2.205	21	<p><b>Page No:</b> 21</p> <p><b>Paragraph No:</b> CS FTL.2.205, Flight Duty Period</p> <p><b>Comment:</b> From page 21 there are 6 paragraphs referring to CS FTL.2.205, for clarity they should all be uniquely identified: (a), (b), (c), etc.</p> <p>For the final documentation, EASA are requested to ensure the regulations are clearly identified with uniquely numbered sections and subsections.</p> <p><b>Justification:</b> Clarity</p>	
112	CS FTL.2.205	23 - 24	<p><b>Page No:</b> 24</p> <p><b>Paragraph No:</b> CS FTL.2.205 Flight Duty Period (3) (a)(b) – Air Taxi and AEMS - On-board rest facilities</p> <p><b>Comment:</b> We propose that EASA considers developing AMC / GM for the specifications for the Class A and B rest facilities for both air taxi and scheduled and charter operations. Experience of the application of “minimum specifications” without understanding the detail of the facilities they were based on and the level of sleep they should be able to provide, has been a challenge for regulators. The purpose of the in-flight / on-board rest facility is to enable the crew to sleep, not just meet a very simple technical specification for the seat.</p> <p><b>Justification:</b> Clarity and to ensure that the facility provided enables the crew to achieve the level of rest and sleep required to be able to safely extend the duty.</p>	
113	CS FTL.2.205	23 - 24	<p><b>Page No:</b> 24</p>	

			<p><b>Paragraph No:</b> CS FTL.2.205 (6) &amp; (9) Flight Duty Period – Air Taxi and AEMS</p> <p><b>Comment:</b> Editorial. Suggest that a single type of hours / minutes reference is maintained throughout the bullet points, either hours and minutes or just minutes.</p> <p><b>Justification:</b> Clarity and consistency of referencing.</p>	
114	CS FTL.2.205	25	<p><b>Page No:</b> 25</p> <p><b>Paragraph No:</b> CS FTL.2.205 (d) Flight Duty Period – air taxi and AEMS</p> <p><b>Comment:</b> Bullet points under point (d) contain incorrect references. Bullet point 1 and 5 refer to alphabetical rather than numerical references.</p> <p><b>Justification:</b> Clarity</p> <p><b>Proposed Text:</b> Bullet point (1) should refer to “according to (3) and (4)” and bullet point (5) should refer to “as an exception to (1) and (2)”.</p>	
115	CS FTL.2.225	26 - 27	<p><b>Page No:</b> 27</p> <p><b>Paragraph No:</b> CS FTL.2.225(b)(11) Standby – air taxi and AEMS</p> <p><b>Comment:</b> It is recommended that EASA considers developing a general AMC or GM for all types of operation on the term “reasonable time”.</p> <p><b>Justification:</b> Clarity on the term “reasonable time” and its application within the determination of “response time”.</p> <p><b>Proposed Text:</b> AMC or GM text - “Operator’s standby procedures should detail the “response time” such that it reflects: sufficient allowance for the crew member to prepare themselves for work (physiological needs) from the time they receive the operators call to leaving the place of rest; and, the contracted allowance for travelling time from place of rest to reporting point, or where that is not detailed, the travelling time guidance that the operator references in their scheme. This may mean that the response time is different for reporting from standby at home and when away from base.”</p>	
116	GM1 CS.FTL.2.230(d)	28	<p><b>Page No:</b> 28</p> <p><b>Paragraph No:</b> GM1 CS FTL.2.230(d) – Reserve – air taxi operations</p> <p><b>Comment:</b> This guidance should be considered as applicable to the ORO for all types of operations.</p> <p><b>Justification:</b> Consistency</p> <p><b>Proposed Text:</b> GM1 CS FTL.2.230 (d) becomes GM3 ORO.FTL.230</p>	
117	CS FTL.2.235	28 - 29	<p><b>Page No:</b> 29</p> <p><b>Paragraph No:</b> CS FTL.2.235, (b) (3) – Rest periods – air taxi and AEMS</p> <p><b>Comment:</b> The text of the definition of eastward / westward</p>	

			<p>transition has been changed such that it significantly affects the application of the requirement. The requirement was based on the fatigue science developed to manage the combination of significant directional time zone changes and was developed to apply to any sequence of these types of rotations. It is strongly recommended that the original definition as quoted in the CRD 2010-14 and as applicable to CS FTL.1 is retained.</p> <p><b>Justification:</b> These changes affect the application of the requirement and goes against the development of the requirement within the original Subpart FTL rulemaking process. This will generate confusion and incorrect application of this requirement to manage significant directional time zone changes in either direction or either sequence of rotations.</p> <p><b>Proposed Text:</b> Amend to read: "Eastward-Westward and Westward-Eastward transition means the transition at home base between a rotation crossing 6 or more time zones in one direction and a rotation crossing 4 or more time zones in the opposite direction."</p>	
118	CS FTL.3.200	34	<p><b>Page No:</b> 34</p> <p><b>Paragraph No:</b> CS FTL.3.200(a)(2) Home Base HEMS</p> <p><b>Comment:</b> Further clarity on this requirement is needed as it could be misinterpreted as it is written. By referring to travelling time between any of the multiple HEMS operating bases, it could be interpreted that the 60 minutes was between any pairings of the HEMS operating bases rather than 60 minutes between all of them. The purpose is that the crew member can drive from any of the nominated HEMS operating bases to <b>all</b> of the other nominated multiple bases within 60 minutes.</p> <p><b>Justification:</b> Clarity and to prevent excess build-up of fatigue prior to reporting at base.</p> <p><b>Proposed Text:</b> Amend to read: "(2) multiple HEMS operating bases where the travelling time between all of the nominated bases does not exceed 60 minutes under normal operating conditions".</p>	
119	CS FTL.3.205	34 - 36	<p><b>Page No:</b> 34/35</p> <p><b>Paragraph No:</b> CS FTL.3.205(a)(1) and (b)(2) Flight duty period (FDP) - HEMS</p> <p><b>Comment:</b> The requirement for the operator to ensure that there is at least one break is supported. However, it is unclear that this should be planned within the FDP rather than retrospectively achieved. For this break to be meaningful within the times likely for sleep it needs to be planned, recognising that there may need to be flexibility on the day.</p> <p><b>Justification:</b> Clarity of the application of the requirement.</p> <p><b>Proposed Text:</b> "... the operator <b>plans</b> and ensures at least one break...."</p>	
120	CS FTL.3.205	34 - 36	<p><b>Page No:</b> 34/35</p> <p><b>Paragraph No:</b> CS FTL.3.205(a)(1) and (b)(2) Flight duty period (FDP) - HEMS</p>	

			<p><b>Comment:</b> There needs to be specific AMC material developed to support training and awareness of the use of breaks within duties at times where the crew member is encouraged to sleep. This is to ensure that all those involved (crew members and those involved in planning the flights) understand and provide the necessary support for the crew to be fit to operate the flight.</p> <p>EASA is requested to develop specific training requirements and guidance material to ensure that crew and the operators understand how to: identify the times likely for sleep; the best use of the opportunities to sleep; how to manage sleep inertia issues; and, the impact of the commercial pressures of the operation.</p> <p><b>Justification:</b> Time pressures and the emergency nature of callouts at short notice, especially as part of a block of long duties, may mean crew members commencing a flight whilst suffering from sleep inertia.</p>	
121	CS FTL.3.210	37	<p><b>Page No:</b> 37</p> <p><b>Paragraph No:</b> CS FTL.3.210 Flight times and duty periods - HEMS</p> <p><b>Comment:</b> As per UK CAA comment for page 13, the insertion of “<b>either</b> of the following limits” implies an either / or meaning so that only one of the limits need to be applied. This would be an incorrect application and generates potential confusion.</p> <p><b>Justification:</b> The correct application of this requirement.</p> <p><b>Proposed Text:</b> Delete “either of” in all of the alphabetical bullet points, leaving the text at “shall not exceed the following limits” or change “either” to “any”.</p>	
122	AMC3 ORO.FTL.120(b)(4)	43	<p><b>Page No:</b> 43</p> <p><b>Paragraph No:</b> AMC3 ORO.FTL.120(b)(4) Fatigue risk management (FRM)</p> <p><b>Comment:</b> References to NVIS and the fatigue that is potentially generated through their use are included in GM1 SPA.NVIS.140 Information and Documentation which cites fatigue due to NVIS in several areas (3.2.2.2 and 3.2.1.4). This element should be specifically referenced in this list rather than included in the vague reference in (f) “helmet / survival suit”.</p> <p><b>Justification:</b> Consistency of the application of the applicable requirements and the extent to which using NVIS could generate fatigue of the crew.</p> <p><b>Proposed Text:</b> Add “(g) The specific fatigue generated when wearing of NVIS.”</p>	
123	GM1 ORO.FTL.230	45	<p><b>Page No:</b> 45</p> <p><b>Paragraph No:</b> GM1 ORO.FTL.230 Reserve, RECURRENT EXTENDED RECOVERY REST</p> <p><b>Comment:</b> The reassignment of this GM now means that this would be the third GM to ORO.FTL.230. The reference to the 3<sup>rd</sup> GM should be amended as proposed below.</p> <p><b>Justification:</b> Clarity.</p>	

			<b>Proposed Text:</b> Amend to read: 'GM3 ORO.FTL.230 Reserve'	
124	4. IA - 4.6. Monitoring and evaluation	68	<p><b>Page No:</b> 68</p> <p><b>Paragraph No:</b> 4.6 Monitoring and evaluation</p> <p><b>Comment:</b> The intent of the monitoring and evaluation of the regulations is supported. However, NAA's will need more active support from EASA to be able to deliver the data required. Also, this list of information would be relevant to all Subpart FTL operations and we believe EASA should consider the wider application of this type of data collection.</p> <p>It is strongly recommended that EASA should consider developing a clear communication plan and supportive activities and guidance to enable this requirement to be successful.</p> <p><b>Justification:</b> To ensure consistency of data from all NAA's, EASA will need to run workshops, provide standardised templates and guidance to enable the operators and NAA's to provide the information requested. If EASA does not actively support the NAA's, the data it receives will be extremely variable and inconsistent across countries. This could generate a misleading picture of the application and impact of the regulations.</p>	
125	6. References	70	<p><b>Page No:</b> 70</p> <p><b>Paragraph No:</b> 6.3, Other reference documents</p> <p><b>Comment:</b> The UK CAA has no comments on the following reference documents:</p> <ul style="list-style-type: none"> <li>• Data Collection and Comparative Assessment of Existing National FTL provisions for EMS</li> <li>• Preliminary Analysis of Impacts from Future Potential FTL Regulatory Changes for EMS</li> <li>• Preliminary Analysis of Impacts from Future Potential FTL Regulatory Changes for Air Taxi and Single Pilot Operations</li> <li>• Scientific Study commissioned by EBAA and ECA</li> <li>• Report on the Assessment of proposed FTL tables for Air Taxi and Emergency Medical Services Operations</li> </ul>	