

Issued: 25 March 2011

## HIGHLIGHTS OF EASA DEVELOPMENTS AND RELATED CAA ACTIVITIES, COVERING THE PERIOD 9-25 MARCH 2011

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

Applicability:	
<b>Aerodromes:</b>	All Aerodrome Licence Holders
<b>Air Traffic:</b>	All ATC and FIS
<b>Airspace:</b>	All NATMAC Members
<b>Airworthiness:</b>	All Airworthiness Organisations
<b>Flight Operations:</b>	All AOC Holders and General Aviation Pilots
<b>Licensed/Unlicensed Personnel:</b>	All Training Organisations, All Pilots and Maintenance Engineers

### 1 Introduction

- 1.1 This Information Notice provides highlights of EASA developments and CAA activities covering the period 9-25 March 2011.

### 2 EASA Rulemaking Review Group

- 2.1 The review group met on 14 March to consider further a set of proposals designed to improve both the efficiency and effectiveness of the Agency's rulemaking processes. Improvements are being considered to all stages of the process from issue identification and programming, through initiation of tasks, drafting, consultation and review to the adoption and publication of the rule. Both industry and NAAs are involved in the review alongside the Agency and the European Commission. It is hoped that proposals will be discussed with the Safety Standards Consultative Committee at its meeting in May. The EASA Management Board is likely to be invited to decide on a suite of improvements at its meeting in September.

### 3 EASA Management Board Meeting

- 3.1 The EASA Management Board met on 15 March. The European Advisory Board was represented by Vincent de Vroey, Claude Schmidt and Thomas Leoff.
- 3.2 The Board was presented with new proposals to amend the overall structure of the implementing rules for the first and second extension of EASA's scope with regards to "Authority Requirements" and "Organisation Requirements". In the Agency's Comment Response Document on AR/OR these requirements were grouped separately in what has been termed a "horizontal rule structure". The intention was to use that structure for

subsequent ATM and aerodrome rules and, at a later stage, retrospectively for airworthiness related regulations. As a response to concerns expressed during consultation on the complexity and lack of user friendliness of the proposal, the Agency has decided not to proceed with separate rules on AR and OR but to redistribute the requirements in the technical rules for Personnel and Operations.

- 3.3 For example, AR.GEN requirements will be added as a new Annex to the Regulation on Personnel Requirements and AR specific requirements for FCL, CC and MED will be added as subparts to existing Annexes; similarly OR.GEN and specific requirements for ATO and FSTD will be redistributed as new subparts. Full details are not yet available but the Agency has stressed that it does not intend to propose changes to the technical content of its proposed requirements. The UK Member, among other Board Members, urged that great care be taken not to introduce new complexity or user-unfriendliness and that most importantly further delay in establishing and publishing final rules be avoided. There will be a discussion on the subject at the next EASA Committee meeting scheduled for 11-13 May.
- 3.4 Another significant item at the Board meeting was the amendment of the Management Board Decision on guidelines for the allocation of certification tasks to NAAs and Qualified Entities. The decision establishes three stages in the process: firstly, pre-selection of candidates; secondly, invitation to tender, accreditation and conclusion of framework contracts; thirdly, allocation of specific tasks. Criteria are established for the outsourcing process with aviation safety as the paramount objective and decisive factor. In line with EAB concerns a specific reference was included to the avoidance of conflicts of interest when allocating tasks to Qualified Entities.
- 3.5 Other discussions included the safety strategy, the Agency's human resources strategy and setting up an EASA office in Brussels (focusing on coordination with Eurocontrol and the Commission on ATM matters), plus brief financial/administrative items.

#### **4 Notice of Proposed Amendment 2010-14 'Implementing Rules on Flight and Duty Time Limitations and rest requirements for commercial air transport with aeroplanes'**

- 4.1 The Civil Aviation Authority has reviewed the proposals in NPA 2010-14 and has submitted approximately 70 technical comments to EASA. The CAA has published the comments on its website (see paragraph 5.1 below). The Agency will consider all these comments as part of their consultation process.
- 4.2 In addition to the CAA comments above, the UK has responded to a specific invitation sent to its Permanent Representative in Brussels to indicate to the Agency whether it has any major objections to the proposals. The Agency's Rulemaking Procedure provides that in the case of major objections from Member States a specific discussion will be held under the auspices of the Advisory Group of National Aviation Authorities (AGNA). The content of the UK letter is annexed at A.

#### **5 CAA Responses to NPAs and CRDs**

- 5.1 The CAA submitted comments on one NPA consultation since the last communication (Information Notice 2011-13), was published:

NPA 2010-14	Implementing Rules for Flight Time Limitations and Rest Requirements for Commercial Air Transport (CAT) for Aeroplanes
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- 5.2 The response can be viewed via the following webpage:

<http://www.caa.co.uk/default.aspx?catid=620&pagetype=90&pageid=11403>

- 5.3 The CAA had no comments on the following consultation since the last communication was published:

CRD 2010-02	Improvement of GM to 21A.101
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## 6 **Queries**

- 6.1 Any queries as a result of this Information Notice should be sent to the following email address: *European.Affairs@caa.co.uk*

## 7 **Cancellation**

- 7.1 This Information Notice will remain in force until further notice.

## ANNEX A

### Content of letter to Agency on major objections to proposals in NPA 2010-14

“We recognise that EASA has done a considerable amount of work on this rulemaking task. Many improvements have been made on the current requirements in EU OPS Subpart Q. However, we would be far more confident that the proposals would provide an appropriate level of safety if some other provisions or mitigations were added and on that basis we will be pushing strongly for our objections to be addressed through the consultation process.

The CAA has responded to the consultation document and I would like to highlight three areas where we have major objections which we would like to be discussed by the Advisory Group of National Authorities (AGNA) in accordance with Article 7.6 of the EASA Management Board Decision on the rulemaking procedure. These are:

- **Maximum Allowable Flight Duty Period (FDP)**

The maximum basic FDP calculation for one or two sectors has remained the same as Subpart Q i.e. 13 hours during the day, reducing to 11 hours overnight. However, there is also the ability for the operator to schedule an extension to the basic FDP of one hour. While the basic limit during the day of 13 hours, or even 14 hours with extension, could be supported the night time limits cannot.

The proposed basic limit permits a FDP of 11 hours overnight, which can be further extended by the operator to 12 hours. The Regulatory Impact Assessment clearly quotes four studies that show these limits may be too high and that reduction should be applied for flight duty periods where the crew member cannot sleep during the entire Window of Circadian Low. The research included CAA studies [The Haj Operation (Spencer 1999)] where it was concluded that “unaugmented flight duty periods should not exceed 10 hours”. This is supported in other reviewed documents, in particular the Moebus report and NASA guidance. We are concerned that the System for Aircrew Fatigue Evaluation (SAFE) model, developed in the UK, may have been used as the justification for discounting the research studies but the SAFE model should not be used in isolation. Research conducted in the real time operational environment should be viewed as a more accurate reflection of crew fatigue in operation.

- **Recovery Periods**

While the proposals do have a requirement for an extended recovery rest period of 36 hours following 168 duty hours from the previous extended recovery period, there are no requirements in the proposals for a longer recurrent recovery period(s) which may be needed in certain circumstances. As many crew members operate an irregular pattern of work which may mean finishing late or starting early, and could include transiting of a number of time zones between extended rest periods, it is essential that the prevention of cumulative fatigue is actively managed through the provision of more recovery days. The CAA's detailed comments, as sent directly to EASA via its Comment Response Tool, propose introducing longer regular recovery periods and a minimum number of recovery days in a set number of weeks.

- **Cumulative Duty Hour Limits**

The proposals for managing cumulative fatigue in terms of total duty hours are insufficiently robust. They include duty hour limitations for 7 and 28 consecutive days

(60 and 190 hours), which are the same as permitted by the UK, but a 14 day limit that the UK mandates has been omitted. The limit of 60 duty hours in 7 consecutive days should be seen as an exception rather than the rule and by not having a 14 day limit this could lead to 180 duty hours in 21 days. The need for a 14 day limit on duty hours was raised in the Moebus Report.

More detailed comments on these three aspects of the proposals are included in the CAA's detailed comments, as sent directly to EASA via its Comment Response Tool, together with some proposed improvements particularly in respect of what an operator needs to do to demonstrate how it fulfils the proposed requirements on operator responsibilities.

We hope that bringing major objections to AGNA will provide an opportunity to discuss the proposal in the round. I should like to stress that the UK considers that the proposals do contain some very good additions which improve the existing regulations. In particular we support the following proposals for;

- the exclusion of the use of an economy seat for in-flight rest (the CAA's research work in this area supports this);
- deletion of the weekly rest exemption;
- adopting UK's split duty requirements;
- introducing a minimum time at base between duties crossing several time zones;
- requiring operators to introduce fatigue management training for all staff and mandating Fatigue Risk Management for reduced rest; and
- Flight Duty Periods with extension between 1800-2159 hours and reduction of rest at base following time zone transitions.

The UK also welcomes the proposed requirements on operators' responsibilities which strengthen the message that the operator needs to demonstrate that the crew are being rostered to work in a way which prevents the onset of fatigue."