



FTL Temporary exemptions under Article 71(1) of Regulation (EU) 2018/1139 (the Basic Regulation)

Guidelines in relation to the COVID-19 pandemic

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Revision record

Issue	Issue date	Summary of changes
01	27.03.2020	Initial issue
02	26.05.2020	Update following RNO project Annex on risk assessments and mitigation measures added

Change Revision Summary

Paragraph number	Description of Change
1.1	Purpose updated; include RNO
1.2	Purpose added; include Annex for operators
1.3	EASA priorities added
2.1(a)	RNO update
2.1(b)	Reference to Annex added
2.2	Scope clarified
2.3	Scope clarified; clarification on operational conditions added
2.4	Clarification on commanders discretion added
2.5	Clarification on flight rest facility added
2.6	Clarification on cumulative fatigue added
3(a),(b),(c),(d),(e)	Risk assessment updated with reference to Annex
3(f)	FDM, ASR/MORs and fatigue reports monitoring and analysis added
4	Reference to operators added
4.1	Clarified
4.2	Clarified
4.4	Clarified
4.5	Clarified
4.6	Clarified
4.7	Clarified
4.9(b)(c)	Clarified
4.10	Clarified
4.11	NCA's exemptions oversight added
4.12	NCA's exemption conditions monitoring added
5	Clarified
6	Reference to Annex added
7	EASA monitoring of exemptions added
Annex	Annex on risk assessments and mitigation measures added

1. Purpose of these Guidelines

- 1.1 The purpose of this document is to provide guidelines for national competent authorities (NCAs) to consider when granting Flight Time Limitation (FTL) exemptions under Art. 71(1) of Regulation (EU) 2018/1139 (hereinafter, the Basic Regulation), during the current COVID-19 outbreak and return to normal operation.
- 1.2 This document also provides guidelines to operators to identify appropriate mitigation measures while developing the risk assessment for an upcoming operation. The risk assessment should take into account all possible developments during a particular operation. To this end, the Annex to these Guidelines provides non-exhaustive lists of scenarios and various mitigations.
- 1.3 These Guidelines result from the following EASA priorities during COVID-19 response phase and return to normal operations:
 - (a) alleviating regulatory, economic and social burdens, while ensuring that safety is not adversely affected; and
 - (b) enabling a coordinated approach in Europe.

2. Scope of exemptions

- 2.1. The NCAs should, when using Article 71(1) of the Basic Regulation ('BR') for the purpose of exempting CAT scheduled and charter operators from certain requirements of sub-part FTL of Regulation 965/2012, specify the following:
 - (a) The period of exemption: the period should refer to the duration of the COVID-19 outbreak in the Member State and during the recovery phase in which operators return to normal operations, but in any case should comply with the period specified in the first sentence of paragraph (2) of Article 71, BR.
 - (b) The scope of exemption: refer to Table 1 in the Annex to these Guidelines.
 - (c) The exempted provisions should be limited to:
 - (i) ORO.FTL.205 and associated CS;
 - (ii) ORO.FTL.235(b) and (c); CS FTL 1.235 (c);
 - (iii) ORO.FTL.110 (j)e.
- 2.2. The exemption should allow, on a temporary basis and as applicable or necessary, one or more of the following:
 - (a) An extension of the maximum daily Flight Duty Period (FDP) which does not comply with ORO.FTL.205 (b), (d), (e) and (f), and associated CS;
 - (b) A rest period at outstation (away from home base) to be taken in the in-flight rest facility on board and not in suitable accommodation;
 - (c) A reduced rest period without fatigue risk management (FRM) under ORO.FTL.120.
- 2.3. Exemptions from FTL requirements should be granted for one rotation or several rotations under the same operational conditions (such as: type of aircraft, crew complement, departure times, layover restrictions, technical/maintenance) when no other solutions are available.

- 2.4. Operators should avoid the use of commander's discretion to further extend an FDP and/or further reduce a rest period at outstation, beyond the exemption package approved by the NCA. The operator's risk assessment under point 3 of these Guidelines should account for all possible delays and plan contingency measures in order to minimize the need for further extensions and/or reductions.
- 2.5. No exemptions from the requirements on the class of in-flight rest facility should be granted under these Guidelines.
- 2.6. No exemptions from the requirements on cumulative fatigue should be granted under these Guidelines.

3. Risk assessment

- (a) The Operator should develop a risk assessment to determine the probability and potential severity of fatigue-related risks to the planned flight.
- (b) The risk assessment should identify the hazards related to crew fatigue depending on the potential scenario or combination thereof (a non-exhaustive list of scenarios is provided in Table 2 of the Annex to these Guidelines) and provide appropriate mitigations measures to reduce the consequences of the identified hazards as far as possible (a non-exhaustive list of various mitigation measures is provided in Table 3, Annex).
- (c) The operator should identify and implement other mitigations, when not listed in the Annex, following its operation specific risk assessment.
- (d) The risk assessment should also consider the cumulative effect of other relevant exemptions/alleviations, if any.
- (e) This risk assessment should be assessed by the NCA before approving the exemption.
- (f) The operator should carry out enhanced monitoring and analysis of FDM, ASR/MORs and crew fatigue reports generated during exempted operations, in order to have a better understanding of the impact on crew fatigue. Action has to be taken to address any issues identified by this exercise without delay.

4. Mitigations (Focus areas for the competent authorities and/or operators)

- 4.1. Extended FDPs, mentioned under 2.2(a) above, should be performed by augmented crew.
- 4.2. Priority should be given to aircraft with Class 1 resting facilities for the purpose of extended FDPs mentioned under 2.2(a). For aircraft not equipped with in-flight rest facilities Class 1, the operator should ensure that Class 2 or Class 3 in-flight rest facilities are isolated from passengers by at least a curtain and are not adjacent to seats occupied by passengers.
- 4.3. For augmented crew operations with double crew, one of which positioning, the NCAs should assess whether the minimum rest of the relieving crew is commensurate to the duration of the following active duty.
- 4.4. The operator should ensure an adequate rest period at home base prior to and after a rotation involving extended FDPs mentioned under 2.2(a) and/or minimum rest periods of 10 hours at outstation.

- 4.5. In particular, for any extended FDP mentioned under 2.2(a) (including or not in-flight rest period) – the minimum pre-flight rest at home base should be at least 48 hours and the minimum sleep opportunity at outstation should be not less than 8 hours. The post flight rest period at home base should be minimum 72 hours.
- 4.6. For aircraft equipped with in-flight rest facilities Class 1, the minimum rest period at outstation, which may be taken in these in-flight rest facilities while the aircraft is on the ground, instead of in suitable accommodation, should provide a sleep opportunity of not less than 6 hours.
- 4.7. Whenever the rest period at outstation is taken in the in-flight rest facility while the aircraft is on the ground, a means to provide electrical supply and temperature control to the aircraft should be ensured. During such a rest period, no loading or servicing of the aircraft should take place.
- 4.8. For the reduced rest arrangements the operator should be exempted from the requirement to have an FRM, and priority should be given to the risk assessment under p.3 and fatigue mitigation measures related to reduced rest.
- 4.9. The operators should ensure as a minimum that:
 - (a) the crew is acclimatised to the time zone of departure (home base);
 - (b) the crew has been provided with meals and drinks for the entire rotation in appropriate quantity and time of day;
 - (c) the in-flight rest period, while in flight, is taken during cruise phase of the flight by each crew member whenever the flight is performed with augmented crew.
- 4.10. The operator should ensure that the reporting time is adequate for the completion of ground duties, taking into account the type of flight, aircraft type, possible reduction in the number of crew members and the reporting airport conditions.

Ground duties include:

 - (a) pre-flight duties (briefings; provision of documentation; commuting to the aircraft parking stand) and
 - (b) pre-departure duties (on-board security checks; cabin preparation; walk-around; fuelling; boarding; load-sheet; take-off briefing; checklists).
- 4.11. The NCAs should carry out an enhanced oversight of the granted exemptions and the effectiveness of operator's mitigations.
- 4.12. The NCAs should closely monitor the development of conditions causing the need for exemptions and revoke the exemption without delay where these conditions do not prevail any more.

5. Information

For the purpose of notification of exemptions through EASA Flextool, NCAs should inform EASA of all data and information relevant to the particular exemption.

6. Other applicability

- 6.1 With regard to CAT operators carrying out air taxi operations and aeroplane emergency medical services under Subpart Q of Regulation 3922/91¹, the NCA may use these Guidelines with the necessary adaptations (refer to Table 1, Annex).
- 6.2 For flights not falling under the scope of the Basic Regulation, the NCA may use these Guidelines as reference with the necessary adaptations.

7. Implementation

EASA is monitoring all exemptions filled by the NCAs in the Flextool and approach the NCAs where further clarifications and/or actions are needed.

¹ Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4).

Annex

This Annex is intended to be used in conjunction with EASA Guidelines on Art. 71(1) exemptions in FTL domain.

Table 1

Scope of exemption, administrative and legal steps

Type of flight	Legal basis for exemption, timeframe and scope	Applicable implementing rule and Guidelines
Commercial operations: Air taxi or AEMS flights	Regulation (EU) 3922/91, Article 8(2) <ul style="list-style-type: none"> • Timeframe: for the duration of restrictions linked to COVID19 • Scope: for one or several rotations under the same conditions 	Subpart Q, Regulation 3922/91 ² ; EASA guidelines and this Annex
Commercial operations: other than Air taxi or AEMS flights	Regulation (EU) 2018/1139, Art 71(1) <ul style="list-style-type: none"> • Timeframe: for the duration of restrictions linked to COVID19 • Scope: for one or several rotations under the same conditions 	ORO.FTL of Regulation 965/2012; EASA guidelines and this Annex
Non-commercial operations ³	National requirements	National requirements; EASA guidelines and this Annex, if possible

² Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation, as amended by Commission Regulation (EC) No 859/2008.

³ According to Regulation (EU) No 965/2012, examples of non-commercial operations performed by an AOC holder with aircraft listed on its AOC under ORO.AOC.125 may include *humanitarian flights*.

Table 2

A non-exhaustive list of examples of hazards according to possible scenarios

No	Scenario linked to:	Hazards/ escalation factors		
1	Layover at destination	crew cannot stay in a hotel at the destination due to quarantine or entry ban; crew cannot deplane upon arrival at the destination	layover time longer than planned; crew exposed to a longer wakefulness	technical defects leading to AOG; airport/airspace closures; ATC delays
2	Layover at destination	crew stays in a hotel (incl. due to a mandatory requirement at the destination country)	crew exposed to COVID-19 while travelling to from the hotel; crew exposed to COVID-19 at the hotel	technical defects leading to AOG; airport/airspace closures; ATC delays; medical situation with crew
3	Medical cargo	medical cargo in the cabin not secured	crew member(s) in the cabin to monitor cargo	loading problems
4	Repatriation flight	medical situation with crew	medical situation with passenger	flight diversion
5	Aircrew	crew member on consecutive duties	crew member without extended rest (days-off) prior to the flight duty	crew member not acclimatised to home base
6	Aircraft	none or not appropriate in-flight rest facility in the aircraft	inoperative items that can reduce in-flight rest	
7	FDP /Rotation	extended FDP beyond the combined duration of max FDP allowed under ORO.FTL.205 (b)(d) or (e) plus the maximum extension due to commander's discretion	night duty – TO/L during WOCL	multiple sector flights; length of cruise sector not sufficient for in-flight rest
8	Rest period at outstation	reduced rest period at outstation cannot be avoided	rest period at outstation during local day	

Table 3

A non-exhaustive list of various possible mitigations. Identify those mitigations that are appropriate for your scenario or a combination of scenarios. Put in place other mitigations, if not listed below.

Code	List of possible mitigations	Additional barriers	
A	Use in-flight rest facilities for crew rest at outstation instead of suitable accommodation.	Class 1; or Class 2 rest facility, if there are no passengers or cargo in the cabin	Class 1 /2 crew rest facilities must be fully operational (incl. light control, temperature control, window shades). GPU or APU connected and provides electrical and temperature control. On-board washroom and toilet must be operational. Access to airport facilities for physiological needs, if possible. No loading or servicing of the aircraft should take place during crew rest.
B	Plan min 8 hrs of sleep opportunity at layover.	Where the rest period at layover is taken in the Class 1 in-flight rest facility plan not less than 6 hours sleep opportunity.	Where the 8 hrs sleep opportunity is taken at suitable accommodation (hotel) – plan not less than 10 hours rest period.
C	Plan crew in-flight rest period during the circadian night and/or plan rest at outstation during the circadian night.	Plan return sector during daylight conditions.	
D	Use augmented crew depending on the number of available in-flight rest facilities, their Class and rotation length (the length of all sectors must allow for all augmented crew members to take in-flight rest in turns).	Preferably and if possible, the crew positioning takes in-flight rest at night on the outbound flight, then performs the in-bound flight during the day after a rest period at outstation.	Use augmented Cabin Crew, if the operation so requires, depending on the number of available in-flight rest facilities, their Class and rotation length.
E	Provide crew with food and drinks (ground/flight).		
F	Extend pre-flight rest.	Min 2 local nights at home base	
G	Extend post-flight rest.	Min 3 local nights at home base	

H	Plan for a prior notification to crew for optimal rest planning (operating or relief crew) before departure.	Provide timely information to crew to prepare for the duty and avoid stress.	
I	Select crew with greater experience in long haul operations or in reduced rest operations.	Avoid repeated assignment of duties to the same crew.	
J	Provide suitable accommodation at layover in the vicinity of airport	Check the quality of such accommodation prior to use.	
K	Arrange for crew transportation to the hotel and back, at layover.	Short transportation, preferably.	
L	Provide suitable accommodation at home base pre-flight and/or post flight to mitigate long commuting times of crew members, as the case may be.	Inform crew about the suitable accommodation and the need to mitigate long commuting times, pre- and post-flight.	
M	Assign crew who are acclimatized to the home base time zone (time zone of the start of rotation).		
N	If layover is shorter than 8 hours, plan a break on the ground at destination and an intermediate inbound sector to another airport where adequate rest period can be achieved.		
O	Use SMS to manage fatigue, if no FRM is established.	Apply appropriate FRM principles; Check with Sleep/Awake model predictions for fatigue.	Adjust scheduled departure, if possible
P	Use FRM, if established, to predict fatigue.	Apply BMM to predict fatigue.	Adjust scheduled departure, if possible
Q	Prepare a contingency plan.	Consider operational and fatigue related issues that may arise during the flight (i.e. technical problems, weather, delays, and crew unfit to continue duty).	Identify safe airports for diversions for either operational or fatigue related issues during the operation.
R	Avoid planning an individual crew member to consecutive long duties.	Limit on successive long duty periods together.	

S	Respect cumulative limits.	Spread out duty as evenly as possible in relation to an individual crew member.
T	Avoid planning critical phases of flight during the window of circadian low (WOCL), if possible.	Use of depart window to optimise crew alertness during critical phases of flight.
U	Ensure crew is informed prior to commencement of flight duty, about additional fatigue risks and available mitigations.	Prepare in-flight rest schedule and management.
V	Sector length must allow for adequate inflight sleep.	
X	Limit administrative, managerial, ground duties when in combination with extended FDP.	
Y	Limit the number of sectors.	