



TERMS OF REFERENCE

- Task Nr:** RMT.0190 & RMT.0191 (FCL.004(a)&(b))
- Issue:** 1
- Date:** 30 October 2012
- Regulatory reference:**
- Commission Implementing Regulation (EU) No 1178/2011¹ (Annex I — Part-FCL)
 - Commission Implementing Regulation (EU) No 290/2012² (Annex VII — Part-ORA)
 - Draft Regulation on Air Operations³ (Annex III — Part-ORO and Annex IV — Part-CAT)
 - Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Commission Implementing Regulation (EU) No 1178/2011⁴
 - AMC and Guidance Material GM to Commission Implementing Regulation (EU) No 290/2012⁵
 - Draft AMC and GM to EASA Opinion No 04/2011⁶
- Reference documents:**
- ICAO Annexes 1 and 6 to the Chicago Convention⁷
 - JAR-FCL 1 — Flight Crew Licensing (Aeroplane)⁸
 - ICAO Document 9379 — Manual of Procedures for Establishment and Management of a State's Personnel Licensing System⁹
 - BEA Final Report Air France Flight AF447¹⁰

¹ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council as amended by Commission Regulation (EU) No 290/2012 of 30 March 2012.

² Commission Regulation (EU) No 290/2012 of 30 March 2012 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

³ Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing Implementing Rules for Air Operations contains Part-ORO (ORO.FC.A.201) and Part-CAT. Available under: <http://www.easa.europa.eu/agency-measures/opinions.php>.

⁴ Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council as amended by Commission Regulation (EU) No 290/2012 of 30 March 2012.

⁵ Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 290/2012 of 30 March 2012 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

⁶ See: Comment Response Document (CRD), dated 4th October 2010, to Notice of Proposed Amendment (NPA 2008-22c and 2009-02c. AMC1-OR.OPS.FC.115&215 and AMC2-OR.OPS.FC.115&215. Available under: <http://www.easa.europa.eu/agency-measures/opinions.php>.

⁷ Convention on International Civil Aviation, signed at Chicago on 07 December 1944.

⁸ Joint Aviation Authorities, Amendment 7 to JAR-FCL 1 Flight Crew Licensing (Aeroplane), 1st December 2006.

⁹ International Civil Aviation Organisation (ICAO) Document 9379, AN/916, 2nd Edition, April 2012.

¹⁰ Available under: <http://www.bea.aero/en/enquetes/flight.af.447/rapport.final.en.php>.

1. Subject: Requirements for relief pilots

2. Problem/Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

Background and regulatory context — Issue #1 (Cruise relief co-pilot requirements):

In December 2006, the Association of European Airlines (AEA) presented a proposal to the JAA Licensing Sectorial Team (LST) to amend Appendix 2 to JAR-FCL 1.240 & 1.295 (WP JAA LST #123). In this proposal AEA proposed that Appendix 2 of JAR-FCL 1.240 should be amended to facilitate the issue of a type rating limited to cruise relief co-pilots. This was, in AEA's view, permitted by ICAO Annex 1, which states, in paragraph 2.1.4.1.1, that 'when a type rating is issued limiting the privileges to act as co-pilot, or limiting the privileges to act as pilot only during the cruise phase of the flight, such limitation shall be endorsed on the rating'. AEA justified its proposal by saying that since the operating privileges of the cruise relief co-pilot are restricted in comparison to those of co-pilots, there is no justification that he/she has to perform the same procedures/manoeuvres during training and checking. Various required procedures/manoeuvres are not essential for a cruise relief co-pilot and should therefore be excluded from training. The minimum requirements for cruise relief co-pilots should be type-rating training and skill tests as described in Appendix 1 & 2 to JAR-FCL 1.240 with the exception of those for take-off and landing.

This AEA proposal was not met with consensus from all the LST representatives, during the LST #21 meeting in April 2007 in Vienna. During this meeting it was agreed to transfer the WP JAA LST #123 to the EASA Rulemaking Inventory, where it would be subject to the EASA Rulemaking Process.

Background and regulatory context — Issue #2 (Relief captain requirements):

On 5th July 2012, the Bureau d'Enquêtes et d'Analyses (BEA) accident investigation board published the Final Report on the Air France A330-203 (F-GZCP) accident. The report states that 'the captain left to take his rest without having clearly nominated the Pilot Flying (PF) as his relief. The remaining flight crew consisting of two co-pilots therefore inherited a certain strategic vagueness after his departure which was reinforced by a lack of training adapted to crews made up of two co-pilots and to the exercise of the task of relief captain. Though the distribution of roles between the two co-pilots probably did not seem ambiguous to them, it did nevertheless pose a problem.' The BEA Final Report addressed a safety recommendation to the Agency as follows:

- Safety Recommendation FRAN-2011-010: It is recommended to define additional criteria for access to the role of relief captain so as to ensure better task-sharing in case of augmented crews.

The Agency foresees that some coordination may be required with rulemaking task RMT.0411 (Crew Resource Management (CRM) training) in order to ensure CRM training elements cover situations where two co-pilots are operating an aeroplane in the absence of a captain.

Regulatory evolution

The issue of the cruise relief co-pilot based on the AEA working paper was discussed during the process of developing the European licensing standards (Part-FCL) with rulemaking task FCL.001. It was decided not to include specific requirements for cruise relief co-pilots in Part-FCL but to initiate a separate rulemaking task RMT.0190 (FCL.004). During the EASA Committee meeting on 14th October 2010, some Member States proposed to include specific requirements for cruise relief co-pilots as a result of an industry request. The issue was discussed and the text of Part-FCL was amended accordingly.

As a result, the following text was added to Part-FCL FCL.720.A(e): ‘...a Member State may issue a type rating with restricted privileges for multi pilot aeroplane that allows the holder of such rating to act as a cruise relief co-pilot above Flight Level 200, provided that two other members of the crew have a type rating in accordance with paragraph (d).’. Text was also added to Part-FCL Appendix 9 B. ‘Specific Requirements for the Aeroplane Category’ 6. (i) stating: ‘In case of a restricted type rating issued in accordance with FCL.720.A(e), the applicants shall fulfil the same requirements as other applicants for the type rating except for the practical exercises relating to the take-off and landing phases.’

During the EASA committee meeting on the 8th December 2010, the Agency was asked to study this matter further and to solidify the safety assessment in this regard, including an analysis of operational experience.

In addition, the Agency decided to address the Safety Recommendation FRAN-2011-010, referring to the relief captain, to the rulemaking task RMT.0190 (FCL.004).

The requirement for additional criteria for the relief captain was also discussed during the Advisory Group National Authorities (AGNA) meeting 03-2011 on 16th November 2011 and the Safety Standards Consultative Committee (SSCC) meeting on 5th of July 2012. During both meetings it was highlighted that rulemaking task RMT.0190 (FCL.004) should include a review of the requirements for both the ‘relief co-pilot’ and ‘relief captain’.

Note: The words ‘captain’ and ‘commander’ refer to the same position of authority in the context of aeroplane and flight operations.

3. Objective:

The overall objective of the Basic Regulation is to maintain a high and uniform safety level with cost-efficient rules.

The specific objectives of this task are:

1. To ensure a relief co-pilot and a relief captain are adequately trained and qualified to safely operate an aeroplane during the cruise segment of a flight.
2. To ensure appropriate operating procedures are established for the transfer of authority from the captain to the relief captain.
3. To ensure that any developed or amended regulations related to a relief co-pilot or relief captain establish a level playing field.

4. Specific tasks and interface issues (Deliverables):

Step 1

To examine and discuss the current requirements, related to the relief co-pilot and relief captain, in Annex I (Part-FCL) to Regulation (EU) No 1178/2011, in Annex VII (Part-ORA) to Regulation (EU) No 290/2012, and in Annex III (Part-ORO) and Annex IV (Part-CAT) to draft Regulation on Air Operations. In addition, to examine and discuss AMC or GM, related to the relief co-pilot and relief captain, to Annex I (Part-FCL) to Regulation (EU) No 1178/2011, to Annex VII (Part-ORA) to Regulation (EU) No 290/2012, and to Annex III (Part-ORO) to draft Regulation on Air Operations.

Step 2

To possibly develop or amend requirements, related to the relief co-pilot or relief captain, in Annex I (Part-FCL) to Regulation (EU) No 1178/2011, Annex VII (part-ORA) to Regulation (EU) No 290/2012, and Annex III (Part-ORO) to draft Regulation on Air Operations. In addition, to develop or amend AMC or GM, related to the relief co-pilot or relief captain, to Annex I (Part-FCL) to Regulation (EU) No 1178/2011, to Annex VII (Part-ORA) to Regulation (EU) No 290/2012, and to Annex III (Part-ORO) & Annex IV (Part-CAT) to draft Regulation on Air Operations.

The following rules and AMC text will be reviewed:

- FCL.060 'Recent experience';
- FCL.720.A 'Experience requirements and prerequisites for the issue of class or type ratings – aeroplanes';
- Part-FCL Appendix 9;
- AMC2 ORA.ATO.125 'Training programme';
- ORO.FC.135 'Pilot qualification to operate in either pilot's seat';
- ORO.FC.A.201 'Inflight relief of Flight Crew Members';
- CAT.GEN.AH.105 'Responsibilities of the Commander'.

Note: Any essential CRM Training related issues, linked to relief pilots, identified by the Agency and rulemaking drafting group will be forwarded for inclusion to rulemaking task RMT.0411 (CRM training).

5. Working methods (in addition to the applicable Agency procedures):

The Agency proposes to make use of a rulemaking drafting group to assist in the accomplishment of this task. In addition, where further expertise is required, specific subject matter experts may be identified by the chairman and the Agency and their assistance may be requested.

Group meetings are planned for 2012/Q4 until 2013/Q3 to produce a text proposal for the Agency. The drafting of the NPA will be carried out by the rulemaking directorate of the Agency in 2013/Q3.

6. Timescale, milestones:

Start of the rulemaking group meetings: 2012/Q4

NPA: 2013/Q4

Opinion & CRD: 2014/Q4

Decision: 2015/Q3