



# Explanatory Note to Decision 2015/006/R

## Sterile flight deck procedures

### ‘AMC and GM to Part-SPO – Amendment 2’

RELATED NPA/CRD 2012-06 — OPINION No 05/2103 — RMT.0417 (OPS.009(B)) — 29.01.2015

#### EXECUTIVE SUMMARY

This Decision addresses a safety issue related to flight deck procedures. The safety recommendations linked to this issue were assessed during the development of this proposal.

The specific objective of this Decision is to mitigate the risks linked to errors due to disturbance or distraction of the flight crew during phases of flight where the flight crew must be able to focus on their duties.

This Decision introduces procedures for taxiing to enhance runway safety. With the proposed changes, compliance with ICAO is ensured.

In addition, the objective of this Decision is to enable sensational flights as specialised operations in the short run.

A quick solution is deemed necessary by some Member States whose operators do not use Annex II aircraft for this kind of specialised operations. This change of the applicable framework follows the deliberations of the EASA Committee.

The Agency, nevertheless, strongly recommends only undertaking sensational flights under the applicable rules of Part-SPO after a detailed risk assessment of this kind of operation has been carried out and all applicable Implementing Rules and AMC/GM have been reviewed and, where required, appropriately amended.

Applicability		Process map	
Affected Regulations and Decisions:	Decision 2014/018/R (Part-SPO)	Concept Paper:	No
Affected stakeholders:	EU Operators	Terms of Reference	12.9.2011
Driver/origin:	Safety	Rulemaking group:	Yes
Reference:	Safety Recommendations: SPAN-2011-021 and SPAN-2011-22	RIA type:	Light
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	11.7.2012
		Duration of NPA consultation:	3 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the CRD:	13.2.2013
		Publication date of the Opinion:	12.6.2013



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## 1. Procedural information

### 1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed this Decision in line with Regulation (EC) No 216/2008<sup>1</sup> (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the Agency's 4-year Rulemaking Programme under RMT.0417 (OPS.009(b))<sup>3</sup>. The scope and timescale of the task were defined in the related Terms of Reference (see process map on the title page).

The text of this Decision has been developed by the Agency supported by the Rulemaking Group RMT.0416 (OPS.009(a)) and RMT.0417 (OPS.009(b)). All interested parties were consulted through the Notice of Proposed Amendment (NPA) 2012-06<sup>4</sup>. 134 comments were received from interested parties, including industry and National Aviation Authorities.

The Agency has addressed and responded to the comments received on the NPA. The comments received and the Agency's responses are documented in the Comment-Response Document (CRD) 2012-06<sup>5</sup>.

The final text of this Decision with the Acceptable Means of Compliance (AMC) and Guidance Material (GM) has been developed by the Agency.

The process map on the title page summarises the major milestones of this rulemaking activity.

In addition, initiated at short notice on the request of a Member State and the European Commission, this Decision concerns sensational flights, and did not follow in full terms the Rulemaking Procedure. Instead, the rule text on sensational flights has been reviewed by the EASA Committee<sup>6</sup>.

### 1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. The text of the AMC/GM is annexed to the ED Decision.

<sup>1</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

<sup>2</sup> The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision concerning the procedure to be applied by the Agency for the issuing of opinions, certification specifications and guidance material (Rulemaking Procedure), EASA MB Decision No 01-2012.

<sup>3</sup> Rulemaking Programme available at <http://easa.europa.eu/rulemaking/annual-programme-and-planning.php>.

<sup>4</sup> In accordance with Article 52 of the Basic Regulation and Articles 5(3) and 6 of the Rulemaking Procedure; NPA available at <http://easa.europa.eu/rulemaking/r-archives.php>.

<sup>5</sup> CRD available at <http://easa.europa.eu/rulemaking/r-archives.php>.

<sup>6</sup> Meeting of the EASA Committee on 7–8 May 2014. The EASA Committee is established by Article 65 of the Basic Regulation.



## 2. Explanatory Note

### 2.1. Overview of the issues to be addressed

The issues to be addressed are described in detail in NPA 2012-06 and also in Opinion No 05/2012<sup>7</sup>. Therefore, only a brief overview is provided in this Decision.

Over the years, it has been identified that an accident or an incident may occur when the flight crew divert their attention from the task at hand and get occupied with activities not directly related to the current phase of the flight. Such activities are extraneous conversations, cabin crew calls on non-essential matters, non-pertinent radio calls, public address announcements, etc. Clearly, the chance of error increases when the flight crew are disturbed or distracted from their main responsibilities. Consequences that could result from such a disturbance or distraction include altitude deviations, course deviations, runway transgressions, and take-offs or landings without clearance.

In light of the safety risk, the flight crew must be able to focus on their duties without being disturbed or distracted by non-flight related matters, whenever necessary, during movement of the aircraft. This holds especially for safety-critical phases of the flight. Implementing Rules (Commission Regulation (EU) No 965/2012) and associated AMC/GM for air operations are in force. However, even with these measures, the following elements are not included in the regulatory framework:

- a. the concept of a **sterile flight deck**;
- b. the taxi phase of aeroplanes as a **safety-critical activity**; and
- c. **procedures for taxiing** to enhance runway safety.

The need to consider these elements has been briefly described above and has been explained in detail in NPA 2012-06. The Agency summarised the present rulemaking tasks under the title 'Sterile flight deck procedures'.

This Decision introduces procedures for taxiing to enhance runway safety by inserting AMC/GM in Annex VIII (Part-SPO). Other Decisions, related to the subject under the title 'Sterile flight deck procedures' introduce AMC/GM in Annex I (Definitions), Annex III (Part-ORO), Annex IV (Part-CAT), Annex VI (Part-NCC) and Annex VII (Part-NCO).

In addition, this Decision concerns sensational flights carried out as a specialised operation in the short run within Member States whose operators do not use Annex II aircraft for this kind of specialised operations.

A sensational flight is a flight involving extreme aerobatic manoeuvres carried out for the purpose of allowing the persons on board to experience zero gravity, high g-forces or similar sensations.

This short-term solution may, however, be replaced by a set of specific rules for sensational flights, based on a detailed risk assessment and detailed review of all applicable implementing rules and AMC/GM at a later stage.

Such a rulemaking task may, among others:

<sup>7</sup> Opinion available at <http://easa.europa.eu/agency-measures/opinions.php>.



- clarify the terms ‘task specialist’ and ‘passenger’ and add passenger safety rules to achieve at least the intended safety level of non-commercial operations with complex motor-powered aircraft laid down in Part-NCC of Commission Regulation (EU) No 965/2012;
- assess if cabin crew requirements need to be added;
- assess corresponding amendments to operator requirements and pilot-in-command responsibilities;
- based on a risk assessment of a typical sensational flight, assess if additional safety rules should be proposed for this specific operation; such rules could be added as a new section to Subpart E of Part-SPO and may address:
  - standard operation procedure items;
  - flight crew qualification, training and recency requirements;
  - additional cabin crew training and recency requirements, if applicable;
  - specific passenger safety rules including passenger briefing for this specific type of operation;
  - specific equipment requirements;
  - a reference to Implementing Rules or AMC/GM from which sensational flights may be alleviated;
  - a GM describing the differences between sensational flights and aerobatic flights and any commonalities;
- assess if sensational flights should be added to operations which require an authorisation in accordance with Subpart SPO of Part-ORO of Commission Regulation (EU) No 965/2012; and
- assess the impact of the deletion of the maximum number of 6 task specialists in the Cover Regulation on Subpart D (instruments, data and equipment) of Part-SPO.

## 2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Paragraph 2.1. The specific objective of this Decision is, therefore, to mitigate the safety risk by introducing procedures for taxiing. In addition, the objective of this Decision is to enable sensational flights in the short run.

## 2.3. Outcome of the consultation — sterile flight deck procedures

As mentioned above, the Agency has received 134 comments on NPA 2012-06. A detailed description of the changes resulting from these comments is provided in CRD 2012-06. On CRD 2012-06 the Agency received 5 reactions in total. None of these reactions is related to Annex VIII (Part-SPO).

However, following further internal discussions, the Agency decided to change AMC1 SPO.GEN.119 as follows:



- To be in line with the text of the similar paragraphs in Part-CAT and Part-NCC, subparagraph (a) is shortened to now read:
    - ‘(a) application of sterile flight crew compartment procedures:’
  - Concerning the use of lights during taxiing, CRD 2012-06 contained the following text (see subparagraph (c)):
    - ‘(c) use of lights as follows:
      - (1) strobe lights, where fitted, when entering or crossing a runway (active or inactive); and
      - (2) landing lights for take-off;’.
- The specific information of (1) and (2) is deleted to avoid confusion, but the phrase ‘use of lights’ as a general procedure for taxiing is kept.
- In subparagraph (d), the additional statement ‘The following list of typical items should be adapted by the operator to take into account its operational environment’ is inserted.

#### 2.4. Summary of the Regulatory Impact Assessment (RIA) — sterile flight deck procedures

The options identified in the Regulatory Impact Assessment (RIA)<sup>8</sup> were as follows:

- a. Option 0: Baseline option (no change; risks remain as outlined in the issue analysis).
- b. Option 1: No rulemaking, but encouraging operators to establish procedures, as needed.
- c. Option 2: Rulemaking for sterile flight deck procedures for all critical phases of flight, for taxiing of aeroplanes and for flight below 10 000 feet, except cruise flight, by amending Implementing Rules, AMC, and GM, as appropriate.

Taxiing of aeroplanes is treated as a safety-critical activity, but it is not defined as a critical phase of flight.

- d. Option 3: Rulemaking for sterile flight deck procedures for all critical phases of flight and for flight below 10 000 feet, except cruise flight, by amending Implementing Rules, AMC, and GM, as appropriate.

Taxiing of aeroplanes is defined as a critical phase of flight.

The most important impacts identified in the RIA for each option are the safety, the economic and the harmonisation impact. In the RIA it was concluded that Option 2 is the preferred option. The main reason is that this option leads to a high reduction of the safety risk with a reasonable impact on costs. The costs of Option 3 are expected to be significantly higher than the ones of Option 2 due to the additional burden of defining taxiing as a critical phase of flight, while the reduction of the safety risk is only slightly lower. In addition, Option 2, in contrast to Options 0 and 1, does not deviate from internationally acknowledged manuals and action plans. It should be noted, however, that Option 2 means no full harmonisation with the relevant U.S. Regulation.

<sup>8</sup> For details of the RIA, see Section C of NPA 2012-06.



## 2.5. Overview of the amendments

Compared to the proposed AMC/GM in CRD 2012-06, the Agency modified the AMC/GM of Annex VIII (Part-SPO) as described in Paragraph 2.3. In addition, editorial changes, not only related to the substantial amendments of this Decision, have been made.

Concerning sensational flights, the Agency amended GM1 SPO.GEN.005 by adding 'sensational flights', and the description thereof, to the non-exhaustive list of specialised operations.

The final text is provided in a separate Annex to this Decision.



### 3. References

#### 3.1. Related regulations

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

#### 3.2. Affected decisions

Decision 2014/018/R of the Executive Director of the Agency of 24 April 2014 on adopting Acceptable Means of Compliance and Guidance Material to Part-SPO of Commission Regulation (EU) No 965/2012. Available at <http://easa.europa.eu/agency-measures/agency-decisions.php>.

