



**COMMENT-RESPONSE DOCUMENT (CRD)  
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2012-12**

**DRAFT OPINION OF THE EUROPEAN AVIATION SAFETY AGENCY  
amending Commission Regulation (EU) No 965/2012 of 25 October 2012  
establishing the Implementing Rules for air operations**

**and**

**DRAFT DECISION OF THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY AGENCY  
amending Acceptable Means of Compliance and Guidance Material  
to Part-CAT and Part-ORO**

**'Transfer of JAA cabin safety tasks'**

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### **Executive Summary**

CRD 2012-12 contains all the comments received to NPA 2012-12, the responses of the Agency to these comments, and the resulting text of the draft Opinion and the draft Decision amending Commission Regulation (EU) No 965/2012 'Air Operations' and Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Part-CAT and Part-ORO. CRD 2012-12 includes tasks which were transferred to the Agency from the Joint Aviation Authorities and addresses the following:

1. Incapacitation and replacement of Senior cabin crew member

The aim was to clarify the intent of the paragraph ORO.CC.200(e), transferred from EU-OPS 1.1000(d), requiring an operator to establish procedures on replacement of Senior cabin crew member in case the nominated individual becomes 'unable to operate'. CRD 2012-12 contains text proposal modified based on the comments received to NPA 2012-12. The draft Opinion and the draft Decision include the text of the Implementing Rule (IR), further AMC on who can replace an incapacitated or unavailable Senior cabin crew member, and GM providing guidance on assigning a prompt replacement. GM explaining the concept of incapacitation and unavailability now refers to ORO.CC.205(b)(2).

2. Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members

The aim was to develop a regulatory requirement requiring a qualified person on board the aircraft during ground operations with passengers embarking, on board or disembarking in the absence of flight crew members who will establish and coordinate communication with aerodrome services in case of urgent need or emergency.

## **A. Explanatory Note**

### **I. General**

1. The purpose of the Notice of Proposed Amendment (NPA) 2012-12, dated 29 August 2012 was to amend Commission Regulation (EU) No 965/2012<sup>1</sup> establishing the Implementing Rules for air operations and the related Decision of the Executive Director of the European Aviation Safety Agency on Acceptable Means of Compliance and Guidance Material to Part-CAT and Part-ORO. The scope of this rulemaking activity is outlined in Terms of Reference (ToR) RMT.0327 (OPS.058(a)) and RMT.0328 (OPS.058(b)).

### **II. Consultation**

2. NPA 2012-12 was published on the web site (<http://www.easa.europa.eu>) on 29 August 2012.

By the closing date of 29 November 2012, the European Aviation Safety Agency (hereafter referred to as 'the Agency') had received 39 comments from 13 National Aviation Authorities, professional organisations and private companies.

### **III. Publication of the CRD**

3. All comments received have been acknowledged and incorporated into this Comment-Response Document (CRD) with the responses of the Agency.
4. In responding to comments, a standard terminology has been applied to attest the Agency's acceptance of the comment. This terminology is as follows:
  - **Accepted** — The comment is agreed by the Agency and any proposed amendment is wholly transferred to the revised text.
  - **Partially Accepted** — Either the comment is only agreed in part by the Agency, or the comment is agreed by the Agency but any proposed amendment is partially transferred to the revised text.
  - **Noted** — The comment is acknowledged by the Agency but no change to the existing text is considered necessary.
  - **Not Accepted** — The comment or proposed amendment is not shared by the Agency.

The resulting text highlights the changes as compared to the current rule and the NPA.

5. The Executive Director Decision on amendment of Commission Regulation (EU) No 965/2012 will be issued at least two months after the publication of this CRD to allow for any possible reactions of stakeholders regarding possible misunderstandings of the comments received and answers provided.

The Decision of the Executive Director of the European Aviation Safety Agency containing amended AMC and GM to Part-CAT and Part-ORO will be published once the related Opinion xx/xxxx has been adopted.

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<sup>1</sup> 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).

6. Such reactions should be received by the Agency not later than 21 May 2013 and should be submitted using the Comment-Response Tool at <http://hub.easa.europa.eu/crt>.

#### IV. Comment Response Summary

7. The comments received to NPA 2012-12 were consulted and reviewed by experts within the Agency.
8. Some commentators questioned the conduct of this rulemaking task as an 'Agency task'. Both issues, included in NPA 2012-12, were initiated by the Joint Aviation Authorities (JAA) and with the cease of JAA activity, both tasks were transferred to the Agency. The task on incapacitation and replacement of SCCM was discussed at Air Safety Committee in 2007. The Committee concluded that the task be transferred to EASA for introduction into the future IR.

The two separate issues of NPA 2012-12 were merged into one rulemaking task titled 'JAA transfer tasks' and due to their progress under the JAA and the availability of Agency resources, it was decided that the task would be conducted as an 'Agency task'. Initiation of the task as such was agreed at the meeting of the Agency with its Consultative Body - the Flight Standards sub-committee of the Safety Standards Consultative Committee (SSCC) in May 2011.

9. Some commentators expressed the opinion that the Agency created new rules on the replacement of SCCM who becomes 'unable to operate'. The origin of this task anchors in an enquiry sent to the Central JAA by a stakeholder who required clarification of the applicable operational requirement in three areas; this lack of clarity results in conflicting interpretations by EU operators. NPA 2012-12 'Incapacitation and replacement of SCCM' thus clarified the interpretation of the operational requirement ORO.CC.200(e) (former OPS 1.1000(d) and JAR-OPS 1.1000(d)); the NPA reflected operational practices currently applied by operators.
10. One commentator expressed a concern that the new ORO.CC.200(e) allowed intentional dispatch of flights without a SCCM. ORO.CC.200(e)(1)(i) disallows dispatch of flights or series of flights originating from the assigned crew base without a SCCM. ORO.CC.200(e)(1)(iii) provides an exception for the incapacitated/unavailable SCCM to be replaced by the most suitably qualified cabin crew member; this exception is applicable in cases when there is no other SCCM on the same flight or in circumstances such as those exemplified in the response to comment 35. The exception is linked to ORO.CC.200(e)(1)(ii); such replacement is possible for the remainder of the flight or series of flights, i.e. in order to reach operator's base. Should the rule disallow dispatch of flights without SCCM under any circumstances, it would result in aircraft being grounded outstations until the appropriate replacement arrives at the destination, which may take several hours and that is not the intention. The possibility for return of the aircraft to operator's base in special circumstances should be provided. The current rules allow dispatch of flights with reduced minimum required number of cabin crew; it is assumed that the operator will make every effort to replace the incapacitated/unavailable SCCM to comply with ORO.CC.200(a), the National Aviation Authority is responsible for the oversight of operators in its country.
11. 'Aerodrome services' – the future regulatory requirements related to aerodromes do not use the collective term 'aerodrome services'. This term was used in NPA 2012-12 to refer to several units which are required at an aerodrome or may be available at an aerodrome, and which may, in any way, provide assistance to an aircraft parked at an apron in case there is an urgent need or an emergency on board that aircraft. To explain what the term 'aerodrome services' refers to, the ICAO Annex 14 provided a base for the development of a new *GM1 CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew – Aerodrome services*.
12. Some commentators proposed amendments to Commission Regulation (EU) No 965/2012. The proposals were not progressed in CRD 2012-12 as they are not within the scope of NPA 2012-12. However, the Agency has noted the comments for consideration of future modifications of the applicable rules.

13. AMC1 ORO.CC.200(e) and AMC1 ORO.CC.200(e)(iii), which now reads as *AMC1 ORO.CC.200(e)(1)(iii)*, and GM1 ORO.CC.200(e) have been revised based on the received comments and/or to improve clarity.
14. Based on a commentator's proposal, the content of GM2 ORO.CC.200(e) has been extended to also refer to cabin crew members, in addition to SCCMs; the paragraph now reads as *GM1 ORO.CC.205(b)(2)*.
15. Abbreviation 'SCCM' – Annex to ED Decision 2012/015/R – *GM to Annex I – Definitions for terms used in Annexes II - V* reflects the term 'senior cabin crew – SCC' referring to the Senior cabin crew member. As this correction was not reflected in the NPA, it is now included in the CRD.
16. Resulting text: the NPA text proposal remains highlighted in grey. For easy identification of changes resulting from the public consultation, the modifications are highlighted in yellow. Deleted text of the NPA proposal has a strikethrough.

**V. CRD table of comments, responses and resulting text****(General Comments)**

comment 2

comment by: AEA

General AEA Comment (1)

The AEA urges EASA to withdraw this NPA which is superfluous and not based on a credible safety case. The existing EU-OPS provisions (which require an incapacitated senior cabin crew to be replaced with another suitably qualified cabin crew) are sufficient and have not resulted in any safety issues. There is therefore no need for more rules in this area. Procedures for replacement of the senior cabin crew are best tackled through internal airline (company based) procedures.

General AEA Comment (2)

No need was identified during the SSCC flight standard committee for such a rulemaking task. We have other needs which are of a higher priority and which needs EASA resources such as i.e. solving issues with Air crew and potentially with Air Operations texts, PBN operational approvals.

As already said existing requirements are sufficient, there is no need to add more complexity and no safety data justifying rulemaking action by EASA.

General AEA Comment (3)

We are concerned that this EASA NPA is against the intent of the Agency to have a performance based regulation. EASA should stick to safety and therefore withdraw the new requirements for the Senior Cabin Crew replacement.

response  
NOTE

The Explanatory Note (EN) and the Regulatory Impact Assessment (RIA) of NPA 2012-12 explain the reasons and the background of the task on 'Incapacitation and replacement of SCCM'. The Joint Aviation Authorities (JAA) initiated an NPA on the issue which was discussed at Air Safety Committee in 2007. The Committee concluded that the task be transferred to EASA for introduction into the future IR. The task was on the agenda of the meeting between the Agency and its Consultative Body - the Flight Standards sub-committee of the Safety Standards Consultative Committee (SSCC) in May 2011, and it was agreed to include it in the Rulemaking Programme (RMP) 2012-2015. The task is reflected in the RMP as an 'Agency task'; this decision was based on the progress of the task under the JAA and the availability of Agency resources.

RIA point 2.1.1 describes the origin of this task - an enquiry sent to the Central JAA by a stakeholder highlighting three areas in which the text of the operational requirement lacked clarity resulting in conflicting interpretations by EU operators. Clarification of the three areas was addressed in NPA 2012-12.

NPA 2012-12 'Incapacitation and replacement of SCCM' does not represent a new requirement, the purpose of this NPA is to clarify the interpretation of the operational requirement ORO.CC.200(e) (former OPS 1.1000(d) and JAR-OPS



1.1000(d)). The commentator's proposal to maintain the transposed text would allow continuation of diverse interpretations by EU operators resulting in non-compliance with Commission Regulation (EU) No 965/2012.

NPA 2012-12 'Incapacitation and replacement of SCCM' has not provided any new or unknown guidance on replacement of incapacitated/unavailable SCCM; the proposal reflects known operational practices that are currently applied by operators. Further to the basic clarification proposal of NPA 2012-12 'Incapacitation and replacement of SCCM', it is the operator's responsibility to develop detailed procedures on replacement of incapacitated/unavailable SCCM; operator's procedures are subject to approval by the National Aviation Authority of the respective Member State.

comment

4

comment by: UK CAA

**Page No:** All

**Comment:** The UK CAA fully supports the content and intent of the NPA to clarify the requirements for the replacement of the senior cabin crew member in the event of incapacitation or unavailability. The revised text is unambiguous and leaves no room for individual interpretation.

The UK CAA fully supports the content and intent of the NPA to develop a requirement for a suitably qualified and trained person to be responsible for communication in the event of urgent need or an emergency situation.

response

NOTED

Thank you for your support.

comment

6

comment by: IATA

IATA does not see the need for new Regulations in this area and therefore urges EASA to withdraw this NPA which is superfluous and not based on a credible safety case. The existing EU-OPS provisions (which require an incapacitated senior cabin crew to be replaced with another suitably qualified cabin crew) have demonstrated their suitability and have not caused any significant risk to the operations. Detailed procedures for replacement of the senior cabin crew should be left to the discretion of the Operators as part of their normal safety management system activities.

response

NOTED

RIA point 2.1.1 describes the origin of this task - an enquiry sent to the Central JAA by a stakeholder highlighting three areas in which the text of the operational requirement lacked clarity resulting in conflicting interpretations by EU operators. Clarification of the three areas was addressed in NPA 2012-12.

NPA 2012-12 'Incapacitation and replacement of SCCM' does not represent a new requirement, the purpose of this NPA is to clarify the interpretation of the operational requirement ORO.CC.200(e) (former OPS 1.1000(d) and JAR-OPS 1.1000(d)). The commentator's proposal to maintain the transposed text would allow continuation of diverse interpretations by EU operators resulting in non-compliance with Commission Regulation (EU) No 965/2012.

NPA 2012-12 'Incapacitation and replacement of SCCM' has not provided any new or unknown guidance on replacement of incapacitated/unavailable SCCM; the proposal reflects known operational practices that are currently applied by operators. Further to the basic clarification proposal of NPA 2012-12 'Incapacitation and replacement of SCCM', it is the operator's responsibility to develop detailed procedures on replacement of incapacitated/unavailable SCCM; operator's procedures are subject to approval by the National Aviation Authority of the respective Member State.

comment 7 comment by: IATA

The SSCC flight standard committee has not identified the need for such a rulemaking task. The proposed rules do not contribute towards increased safety and therefore EASA should prioritize their already limited resources and use them for more important and urgent tasks, such as PBN operational approvals.

response NOTED

The EN and the RIA of NPA 2012-12 explain the reasons and the background of the task on Incapacitation and replacement of SCCM. The JAA initiated a NPA on the issue which was discussed at Air Safety Committee in 2007; the Committee concluded that the task be transferred to EASA for introduction into the future IR. The task was on the agenda of the meeting between the Agency and its Consultative Body - the Flight Standards sub-committee of the Safety Standards Consultative Committee (SSCC) in May 2011 and it was agreed to include it in the RMP 2012-2015. The task is reflected in the RMP as an 'Agency task'; this decision was based on the progress of the task under the JAA and the availability of Agency resources.

comment 8 comment by: IATA

This EASA NPA is not coherent with the intent of the Agency to have a performance based regulation. There is no evidence that the Regulation in force today is posing unacceptable risks, therefore new requirements are not necessary.

response NOTED

NPA 2012-12 'Incapacitation and replacement of SCCM' does not represent a new requirement, the purpose of this NPA is to clarify the interpretation of the operational requirement ORO.CC.200(e) (former OPS 1.1000(d) and JAR-OPS 1.1000(d)) taking into account the three areas highlighted to the Central JAA by a stakeholder as lacking clarity, therefore resulting in various interpretations by EU operators. The commentator's proposal to maintain the transposed text OPS 1.1000(d) and JAR-OPS 1.1000(d) would allow continuation of diverse interpretations of the operational requirement by EU operators resulting in non-compliance with the Commission Regulation (EU) No 965/2012.

NPA 2012-12 'Incapacitation and replacement of SCCM' has not provided any new or unknown clarification on replacement of incapacitated/unavailable

SCCM; the proposal reflects known operational practices that are currently applied by operators. Further to the basic clarification proposal of NPA 2012-12 'Incapacitation and replacement of SCCM', it is the operator's responsibility to develop detailed procedures on replacement of incapacitated/unavailable SCCM; operator's procedures are subject to approval by the National Aviation Authority of the respective Member State.

comment 10 comment by: *Luftfahrt-Bundesamt*

The LBA has no comments on NPA 2012-12.

response NOTED

Thank you for your contribution.

comment 22 comment by: *ICAO*

Below are ICAO's comments with regards to the following proposals:

***Incapacitation and replacement of Senior cabin crew member***

*"This NPA addresses the following main issues:*

*A) The difference between the Senior cabin crew member's inability to continue flight duty due to an occurrence happening during a flight duty period or at a stopover (layover) destination and the individual's inability to report for any flight duty due to substantiated absence from work due to e.g. sick leave, medical leave, pregnancy, maternity/paternity leave, parental leave, etc.; the latter would not result in the Senior cabin crew member being considered incapacitated or unavailable:*

*- incapacitation in this NPA refers to an occurrence happening during a flight duty period that precludes the Senior cabin crew member from performing his/her duties;*

*- unavailability in this NPA refers to an occurrence happening at a stopover (layover) destination that prevents the Senior cabin crew member from reporting for the continuation of the duty (the remainder of the series of flights).*

*B) Clarification on who is the replacement of the nominated Senior cabin crew member who became incapacitated or unavailable, and of the Senior cabin crew member who did not report for or could not commence the assigned flight originating from his/her assigned crew base;*

*C) Clarification on a prompt replacement of the nominated Senior cabin crew member who became incapacitated/unavailable or does not report for or cannot commence the assigned flight originating from his/her assigned crew base."*

***Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members***

*"...develop a regulatory requirement to require a qualified person on board during ground operations with passengers embarking, on board or disembarking in the absence of flight crew members. This is to ensure that safety of the aircraft occupants is maintained by having a qualified person on board the aircraft who can utilise means to communicate and can coordinate with aerodrome services in case of any urgent need or emergency happening on board the aircraft when flight crew members are absent."*

response	<p>ICAO supports both proposals put forth in the NPA on the transfer of JAA cabin safety tasks. ICAO is particularly supportive of the proposal related to the incapacitation and replacement of Senior cabin crew member. The proposal provides very good guidance for clarification on this issue.</p> <p>NOTED</p> <p>Thank you for your support.</p>
comment	<p>23 <span style="float: right;">comment by: DGAC France</span></p> <p><u>General comment as replacement of SCCM is concerned</u></p> <p>Whereas the ICAO ADREP database shows 19 occurrences with clearly reported incapacitation of a SCCM, as stated at the beginning of the 2d paragraph of chapter 2.3.1.3 of the NPA (page 15), one can notice that :</p> <ul style="list-style-type: none"> <li>- only one concerns a European operator</li> <li>- none is reported to have had any safety impact.</li> </ul> <p>This is the reason why the French DGAC does not see the need for strengthening current requirements. Nevertheless, clarification might be useful. In that perspective, option 1 as described page 17 of the NPA is the preferred option.</p> <p>Though, option 1 indicates that replacement of the SCCM can happen for an unlimited period of time. We suggest that this replacement be limited as much as reasonably practicable.</p>
response	<p>NOT ACCEPTED</p> <p><u>Comment 1: 'Occurrences identified in the EASA copy of ICAO ADREP database'</u></p> <p>NOTED</p> <p>The EASA copy of ICAO ADREP database identifies more occurrences related to 'cabin crew member incapacitation' and it is possible that there are more occurrences where incapacitation concerned a SCCM. The level of detail reported in the occurrence narratives varies, therefore, the 'cabin crew member incapacitation' that specifically concerned the SCCM could only be identified in a limited number of narratives.</p> <p><u>Comment 2: 'Commentator's preferred Option 1'</u></p> <p>NOT ACCEPTED</p> <p>NPA 2012-12 'Incapacitation and replacement of SCCM' does not represent a new requirement, the purpose of this NPA is to clarify the interpretation of the operational requirement ORO.CC.200(e) (former OPS 1.1000(d) and JAR-OPS 1.1000(d)) taking into account the three areas highlighted to the Central JAA by a stakeholder as lacking clarity, therefore, resulting in various interpretations by EU operators. The commentator's proposal to select Option 1</p>

would lead to non-compliance with Commission Regulation (EU) No 965/2012. ORO.CC.200(e)(1)(iii) provides an exception to select the most appropriately qualified cabin crew member to replace the incapacitated/unavailable SCCM for the remainder of the flight or series of flights; such exception should be provided for the purpose of returning the aircraft back to operator's base, please refer to explanation in the response to comment 35.

Comment 3: 'Replacement to be limited as much as reasonably practicable'

NOTED

The Agency believes that NPA 2012-12 proposal addresses the issue.

comment	<p>33 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p>CAA Sweden supports the proposal in NPA 2012-12.</p>
response	<p>NOTED</p> <p>Thank you for your support.</p>

#### **A. Explanatory Note - IV. Content of the draft Opinion/Decision**

p. 5-9

comment	<p>11 comment by: <i>Ryanair</i></p> <p>smck ryr No rule making group was assembled for these two tasks, Agency resources were used. It appears that Agency resources only use the largest international airports. Other International airports eg STN and regional airports do not have the medical resources suggested in this NPA. A medical practitioner will not attend an incident in an airport as it is usually more expeditious to take the injured party to hospital, invariably using an ambulance which is not part of the airport infrastructure.</p>
response	<p>NOTED</p> <p>The EN and the RIA of NPA 2012-12 explain the reasons and the background of both tasks. Both tasks were discussed at the meeting between the Agency and its Consultative Body – the Flight Standards sub-committee of the Safety Standards Consultative Committee (SSCC) in May 2011; the merge of the two JAA tasks into one rulemaking task (RMT) and the inclusion in the RMP 2012-2015 was agreed at the meeting. The task is reflected in the RMP as an 'Agency task'; this decision was based on the progress of the task under the JAA and the availability of Agency resources. The Agency has carefully considered various scenarios of the commentator's concern when developing NPA 2012-12.</p>

The purpose of a RIA is to assess different options with regard to the rulemaking task and to select the preferred one, in the case of this proactive safety initiative, it is a development of a new regulatory requirement. The Agency's RIA template requires explanation and assessment of the issue from several perspectives. For the purpose of explaining the matter of this task, the RIA to NPA 2012-12 exemplified a few scenarios of an urgent need or an emergency on board. The purpose of a RIA is to discuss possibilities, a RIA does not represent a text of the regulatory requirement. The text of the newly proposed regulatory requirement CAT.OP.MPA.195 states that:

*For ground operations whenever passengers are embarking, on board or disembarking in the absence of flight crew members, the operator shall:*

*(a) establish procedures to alert the aerodrome services in the event of ground emergency or urgent need; and*

*(b) ensure that at least one person on board the aircraft is qualified to apply these procedures and ensure proper coordination between the aircraft and the aerodrome services.*

The future regulatory requirements related to aerodromes do not use the collective term 'aerodrome services'. This term has been used in this NPA to refer to several units which are required at an aerodrome or may be available at an aerodrome and which may, in any way, provide assistance to an aircraft parked at an apron in case there is an urgent need or an emergency on board that aircraft. To explain what the term 'aerodrome services' refers to, the Agency has developed a new *GM1 CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew – Aerodrome services*; ICAO Annex 14 provided a base for the newly developed GM.

The newly proposed regulatory requirement CAT.OP.MPA.195 'Ground operations with passengers on board in the absence of flight crew' requires an operator to establish procedures to alert aerodrome services; the proposed text provides the operator with flexibility to decide which unit of the 'aerodrome services' the qualified person will contact taking into account information published by the aerodrome.

comment

12

comment by: *Ryanair*

smck ryr

The ICAO ADREP database has one incident in Europe, 19 incidents in total. There is much more compelling contemporaneous data available from AUs which could be used to establish a rate of SCCM incapacitation per 100000 flights. (11/100000flights for RYR). Procedures to replace an incapacitated SCCM are warranted.

response

NOTED

Thank you for your support.

The EASA copy of ICAO ADREP database identifies more occurrences related to

'cabin crew member incapacitation', and it is possible that there are more occurrences where incapacitation concerned a SCCM. The level of detail reported in the occurrence narratives varies, therefore, the 'cabin crew member incapacitation' that specifically concerned the SCCM could only be identified in a limited number of narratives.

comment	13	comment by: <i>Ryanair</i>
	sccm terminology acceptable	
response	NOTED	
	Thank you for your support.	

**A. Explanatory Note - V. Regulatory Impact Assessment**

p. 10-22

comment	14	comment by: <i>Ryanair</i>
	The EASA risk matrix used in the RIA is not consistent with the ICAO risk matrix. The EASA matrix design inevitably produces results suggesting rulemaking is required whereas in equivalent circumstances the ICAO risk matrix would produce a result suggesting rulemaking was not warranted. The ICAO matrix should replace the EASA matrix.	
response	NOTED	
	The purpose of a Regulatory Impact Assessment, which is a part of a NPA, is to assess the impacts of the options discussed in the concerned rulemaking task from several prescribed perspectives and to explain the reasons for choosing the preferred option. For this purpose, safety risks (potential benefits) are assessed, however, no risk matrix is used.	
	The commentator's comment refers to a risk matrix of a Preliminary Regulatory Impact Assessment (Pre-RIA) which is, as of 2010, used to support the development of the Agency's Rulemaking programme. The Agency is currently working on an update of the risk assessment methodology.	
	No Pre-RIA was developed for NPA 2012-12, as noted in RIA to NPA 2012-12, page 10.	

comment	16	comment by: <i>Ryanair</i>
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Second last para:

..who and how can advise..

"Aerodrome services" is not defined. This would be a more appropriate rule making task than the one under consideration in this NPA.

"a qualified person to be on board to handle communication with aerodrome services" is mentioned in this paragraph. The process of communicating with "aerodrome services" does not have to be done by a qualified person on board. In fact in most airports using jetways/airbridges there is an emergency phone with the emergency number prominently displayed beside it for use in the scenarios considered in this NPA. In the circumstances under consideration, ie no flight crew on board, if the qualified person is the sccm, (s)he will leave the aircraft to make the appropriate communication on the emergency telephone in which case the qualified person will not be on board. Equally the sccm may instruct another cc to do this.

When external steps are used instead of airbridge/jetways on contact stands, there is a designated communication point prominently displayed, with an emergency telephone and an emergency number prominently displayed. In these circumstances the airport bye laws require a marshaller who may be one of the cabin crew or a ground operative (cc depending on number of passengers on board). The qualified person on board either vacates the aircraft to use this phone, or instructs someone else (the marshaller is best placed) to make the call to aerodrome services.

On remote stands with no availability of external communications available, passengers on board without flight crew should be acceptable only when a member of ground staff with two way communications remains present  
This describes the typical airport infrastructural solution to the communications with aerodrome services issue identified in this NPA.

response PARTIALLY ACCEPTED

Comment 1: 'Aerodrome services'

PARTIALLY ACCEPTED

The future regulatory requirements related to aerodromes do not use the collective term 'aerodrome services'. This term has been used in this NPA to refer to several units which are required at an aerodrome or may be available at an aerodrome and which may, in any way, provide assistance to an aircraft parked at an apron in case there is an urgent need or an emergency on board that aircraft. To explain what the term 'aerodrome services' refers to, the Agency has developed a new *GM1 CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew – Aerodrome services*; ICAO Annex 14 provided a base for the newly developed GM.

Comment 2: 'Availability of emergency phones in jetways/airbridges'

NOTED

The availability of emergency phones at jetways, in airbridges or on remote stands are not required by the future regulatory requirements related to aerodromes; availability of such emergency phones is a general practice, they may not be available at some aerodromes. The commentator's proposal of 'a member of ground staff with two way communication to be present' was also



discussed in the RIA of NPA 2012-12.

comment 17

comment by: *Ryanair*

Most international and regional airports do not have a medical practitioner other than a member of the RFFS available. Most do not have an ambulance as part of the aerodrome services. Invariably the sick/injured passenger is removed from the aircraft by RFFS personnel, and transported to hospital as this is more expeditious than awaiting a medical practitioner.

response

NOTED

The purpose of a RIA is to assess different options with regard to the rulemaking task and to select the preferred one. In the case of this proactive safety initiative, it is a development of a new regulatory requirement. The Agency's RIA template requires explanation and assessment of the issue of the particular rulemaking task from several perspectives. For the purpose of explaining the matter of this task, the RIA to NPA 2012-12 exemplified a few scenarios of an urgent need or an emergency on board. The purpose of a RIA is to discuss possible options, a RIA does not represent a text of the regulatory requirement.

The future regulatory requirements related to aerodromes do not use the collective term 'aerodrome services'; this term has been used in this NPA to refer to several units which are required at an aerodrome or may be available at an aerodrome and which may, in any way, provide assistance to an aircraft parked at an apron in case there is an urgent need or an emergency on board that aircraft. To explain what the term 'aerodrome services' refers to, the Agency has developed a new *GM1 CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew – Aerodrome services*; ICAO Annex 14 provided a base for the newly developed GM.

The newly proposed regulatory requirement 'CAT.OP.MPA.195 Ground operations with passengers on board in the absence of flight crew' requires an operator to establish procedures to alert aerodrome services; the proposed text provides the operator with flexibility to decide which unit of the 'aerodrome services' the qualified person will contact taking into account information published by the aerodrome.

comment 18

comment by: *Ryanair*

The Operator will have appropriate manning levels for all bases due to its commercial interests, and EU 261 considerations. Therefore it would be surprising if the mischievous behaviour alluded to in the NPA was applicable. The absence of a rulemaking group external to EASA insiders is apparent in the route pairing considerations referred to in this paragraph.

The examples would indicate that once a flight has departed from BASE on a series of flights the sccm will be replaced by the next most qualified cc on board until the aircraft transits a BASE or returns to BASE. This could be up to 6 sectors including the first sector (after take-off) providing none of the destinations is a BASE. One assumes the passenger number would be reduced to reflect the regulatory requirement of one cc less than normal cc complement.

response NOTED

The Agency has carefully considered various scenarios of commentator's concern. The examples in RIA to NPA 2012-12, point 2.2.1 provide a basic summary of the intended proposal, as it is not feasible to include in a RIA the numerous possibilities of flight pairings vs. types of operation of each EU operator.

In cases where an aircraft is dispatched to operate a flight with the minimum required number of cabin crew for the particular aircraft type, established in accordance with ORO.CC.100, the number of passengers would have to be reduced in accordance with ORO.CC.205(b)(2) in unforeseen circumstances in case any of the operating cabin crew member becomes incapacitated/unavailable, not only in cases involving SCCM. In view of the requirement ORO.CC.205(c)(2) and the commentator's example of 6 sectors within the same day flight duty period with none of the 5 destinations being an operator's base, the operator should consider assigning on such duty two SCCMs or a cabin crew member who could represent the most appropriately qualified cabin crew member to replace the incapacitated SCCM, so that the aircraft can return to operator's base.

comment 19

comment by: *Ryanair*

It is ridiculous to pursue the notion of cabin crew using aircraft radio equipment as suggested in this NPA. Emergency phones adjacent to parking stands or in airbridges are already in place to address this risk. Where this infrastructure is not available passengers on board without flight crew should not be allowed, e.g. remote no contact stands, or a ground services operative shall be designated the responsible person and shall have appropriate communications equipment for the particular airport.

The scale of response to an emergency is

- emergency evacuation – no time available
- emergency evacuation –time available
- no evacuation required
- time available individual emergency

No evacuation required or time available individual emergency does not warrant the effort required to train sccm in communicating with *aerodrome*

services, when emergency phones are available adjacent to the aircraft.

response NOTED

The purpose of a RIA is to assess different options with regard to the rulemaking task and to select the preferred one. In the case of this proactive safety initiative, it is a development of a new regulatory requirement. The Agency's RIA template requires explanation and assessment of the issue of the concerned rulemaking task from several perspectives. The RIA to NPA 2012-12 discussed several possibilities of who could represent the qualified person being able to establish and co-ordinate communication with aerodrome services in case of an urgent need or an emergency on board and by what means. The purpose of a RIA is to discuss possible options, a RIA does not represent a text of the regulatory requirement. The text of the newly proposed regulatory requirement CAT.OP.MPA.195 states that:

*For ground operations whenever passengers are embarking, on board or disembarking in the absence of flight crew members, the operator shall:*

*(a) establish procedures to alert the aerodrome services in the event of ground emergency or urgent need; and*

*(b) ensure that at least one person on board the aircraft is qualified to apply these procedures and ensure proper coordination between the aircraft and the aerodrome services.*

The proposed text provides the operator with flexibility to decide who the qualified person will be and by what means the communication will be established.

The availability of emergency phones at jetways, in airbridges or on remote stands are not required by the future regulatory requirements related to aerodromes; availability of such emergency phones is a general practice; they may not be available at some aerodromes as also noted by the commentator.

comment 20

comment by: Ryanair

The Agency personnel formulating this NPA are missing an important point when they specify that the qualified person must be *on board*. This is not necessary, but a qualified person must be appointed to be in charge of the situation. The "on board" requirement has the possibility of being interpreted as the qualified person cannot leave the aircraft even by 2 metres to communicate an emergency situation to aerodrome services using the airbridge emergency phone or the contact stand emergency phone, despite the fact that current airport bye laws specify the use of this equipment by the person reporting.

response NOTED

The Agency transposed the JAA proposal which states the following:

*Subject title: A qualified person capable of communicating with the emergency services should be on board at any time that a passenger is on board the aeroplane.*

*Proposed text: ... Whenever any passengers are on board an aeroplane, one qualified person must be on board in order to apply these procedures and ensure proper coordination between the aeroplane and the aerodrome services.*

Moreover, the availability of emergency phones at jetways, in airbridges, or on remote stands are not required by the future regulatory requirements related to aerodromes; availability of such emergency phones is a general practice; they may not be available at some aerodromes.

comment

21

comment by: *Ryanair*

There is an emergency phone on every airbridge and contact stand. It is ridiculous, wholly impracticable and disproportionate to suggest training for cabin crew on aircraft communications equipment. In case of sccm incapacitation on the ground in the circumstances indicated in 5.4.2. essentially all cc would need this training to assure the ability to communicate with *aerodrome services*. If there is no emergency phone available then passenger embarkation or on board should be prohibited.

response

NOTED

The purpose of a RIA is to assess different options with regard to the rulemaking task and to select the preferred one, in the case of this proactive safety initiative, it is a development of a new regulatory requirement. The Agency's RIA template requires explanation and assessment of the issue from several perspectives. The RIA to NPA 2012-12 discussed several possibilities of who could represent the qualified person being able to establish and coordinate communication with aerodrome services in case of an urgent need or an emergency on board and by what means. The purpose of a RIA is to discuss and assess possible options, a RIA does not represent the text of a regulatory requirement. The Agency considers the variety of qualified personnel and means of establishing communication with aerodrome services as sufficiently flexible.

The availability of emergency phones at jetways, in airbridges or on remote stands are not required by the future regulatory requirements related to aerodromes; availability of such emergency phones is a general practice; they may not be available at some aerodromes.

comment

40

comment by: *European Transport Federation - ETF*

#### **4.1 Option no. 2**

response	<p>Aircraft must not leave home base without an SCCM, adequate standbys in the appropriate rank must be available.</p> <p><b>4.2 Option no. 1</b>                  Agree that a new regulatory requirement for a qualified person is necessary, this person must not be a member of the operating crew on board.</p> <p><b>6</b>                  Add, aircraft must not leave home base without an SCCM, adequate standbys in the appropriate rank must be available.</p>
response	<p>NOTED</p> <p>The commentator’s comment suggests to update options of the RIA to NPA 2012-12, such update is not feasible.</p> <p>The commentator’s concern described in <i>4.1 Option no. 2</i>: ‘aircraft must not leave the home base without an SCCM’ is addressed in ORO.CC.200(e)(1)(i). Availability of adequate standbys in the appropriate rank is operator’s responsibility to address; it is assumed that operator will schedule sufficient number of crew members on standby at operator’s base (flight crew, SCCMs, cabin crew) for the planned daily operation.</p> <p>The commentator’s proposal described in <i>4.2 Option no. 1</i>: the proposed CAT.OP.MPA.195 provides the operator with flexibility to decide who the qualified person will be. The possibility does not exclude cabin crew members.</p>

<p><b>B. Draft Opinion and Decision - I. Incapacitation and replacement of Senior cabin crew member - Amendment to Annex III, Part-ORO, Subpart-CC of the Commission Regulation establishing IRs for air operations: - ORO.CC.200 Senior cabin crew member</b></p>	<p>p. 23</p>
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comment

5	comment by: FAA
<p>FAA Comment:                  Senior cabin crewmember indoctrination as the primary liaison for the flight deck crewmembers.                  Reason/Recommendation:                  Courseware should have elements that enhance the safety culture.                  ADD: (1)Elements of Safety Risk Management                  (2) Security Training                  (3) Cabin crew member’s role in Elements of Threat and Error Management (4) Senior Cabin Crewmember’s role as the most visible element of the air carrier’s safety culture.                  This would enhance the safety related training for the Senior Cabin Crew Member</p>	

response

<p>NOTED</p> <p>Thank you for your contribution. The comment is noted for future consideration as the scope of this NPA does not include SCCM training.</p>
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comment 15 comment by: Finnish Transport Safety Agency

NPA 2012-12

4.1 Incapacitation and replacement of SCCM, Option 2

Finland fully supports option 2 as presented.

4.2 Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members, Option 1

Finland proposes option 1 to be amended as follows: The use of hand-held radios / walkie-talkies would be an optional means of communication in the described situation but the use of it should be limited to SCCM's only, not the entire cabin crew. The use of flight crew compartment communication systems should be deleted as an option for the cabin crew or ground handling personnel. The basis of this proposal is the fact that the use of flight crew compartment communication systems (aviation radio) requires a restricted radio operator's license and the associated training to be given to cabin crews as well as ground handling personnel. This seems impractical. In addition, the access to the flight crew compartment should be limited to essential personnel only.

In the case of maintenance personnel holding the license and type training for the operation of flight crew compartment installed communication system, they would be allowed to use the system to communicate the need for help as described in the NPA.

response NOTED

Thank you for your support.

comment 24 comment by: DGAC France

ORO.CC.200 Senior cabin crew member indicates :  
 "(e) The operator shall:  
 (1) establish procedures to ensure replacement of the nominated SCCM by another SCCM when:  
 (i) the nominated SCCM does not report for, or cannot commence the assigned flight or series of flights originating from his/her assigned crew base. In this case the concerned flight shall not depart unless another SCCM has been assigned;"

Comment/proposition

Delete requirement as the replacement of a SCCM at the base should be performed under the same conditions as those described ORO.CC.200 (e) (1) (iii) ("assign the cabin crew member most appropriately qualified to act as SCCM")

Justification

In line with our general comment, the requirement proposed in the NPA seems over prescriptive.

The following examples show possible detrimental consequences of such a provision:

- Bad meteorological conditions have already impeded cabin crew members living far from home base reporting at the expected time for their flight or their standby. In this case the requirement ORO.CC200 (e) (1) (iii) might lead to

delay or even cancel some flights, if maintained, because a SCCM is not present.

- The same difficulty has also arisen because of a strike of given ATC control towers impeding cabin crew members to report.

Both examples illustrate the fact that unavailability of a SCCM may occur at the base.

The lack of flexibility should be all the more avoided as replacement of a SCCM was not proved to be a safety issue.

response

NOT ACCEPTED

Proposal made by the commentator would lead to contradiction and/or to operator's non-compliance with ORO.CC.200(a), ORO.AOC.135(b), ORO.GEN.110(d) and (e). It is assumed that operator will schedule sufficient number of crew members on standby at operator's base (flight crew, SCCMs, cabin crew) for the planned daily operation. Operator has the responsibility to have mitigation measures in place for situations exemplified in the comment. In addition, operator is required to make its personnel aware of their responsibilities in accordance with ORO.AOC.135(b)(2)(iii) and ORO.GEN.110(e).

comment

34

comment by: *Irish Aviation Authority*

Comment:

Currently EU OPS 1.1000(a) requires a SCCM to be nominated whenever more than one cabin crewmember is assigned. This rule has been transposed into ORO.CC.200. Furthermore, the responsibilities of the SCCM and the training requirements for the SCCM as defined in OPS 1.1000 have also been transposed into ORO.CC.200. Therefore the requirement for a qualified Senior Cabin crewmember to be nominated when more than one cabin crewmember is assigned is clear.

However, the draft text of ORO .CC.200 (e) would permit that a flight or series of flights could be intentionally dispatched without a qualified SCCM. This is in direct contradiction to the rule already established in ORO.CC.200.

The following text changes are suggested in clarification:

Proposed Text:

The operator shall:

~~(1)~~ Establish procedures to ensure replacement of the nominated SCCM by another SCCM when:

(i) the nominated SCCM does not report for , or cannot commence the assigned flight or series of flights originating from his/her assigned crew base. In this case the concerned flight shall not depart unless another SCCM has been assigned;

(ii) if during flight the nominated SCCM becomes incapacitated ~~or unavailable~~.

~~The replacement shall be assigned without undue delay for the remainder of the flight, or series of flights;~~  
 (iii) for the purpose of (ii), if there is no other SCCM who can be assigned, the operator shall assign the cabin crew member most appropriately qualified to act as SCCM for the remainder of the flight, or series of flights.

(2) notify the competent authority of any change to these procedures.

Justification:

The justification of the request for a rewording of NPA 2012-12 draft ORO.CC.200(e) is as follows:

It is the IAA's belief that the intent of EU OPS 1.1000(d), previously JAR OPS 1.1000(d) was to deal with inflight situations only, in circumstances where the SCCM might become "unable to operate" e.g. incapacitated. This did not include situations prior to dispatch which are "foreseen" and could be mitigated. The intent of EU OPS 1.100(d) could have been clarified by the inclusion of the words "during flight".

This is the only logical interpretation. An unqualified acting CCM should not operate in a position for which they have not been trained prior to the dispatch of the aircraft. Such a situation is "foreseen", not "unforeseen" and is in contradiction of the basic rule.

Many operators already mitigate situations of this nature by training additional crew members in the SCCM course who meet the applicable criteria. Once trained, such CCMs can then act in an "ad hoc" or temporary SCCM capacity.

response

NOT ACCEPTED

RIA point 2.1.1 describes the origin of this task - an enquiry sent to the Central JAA by a stakeholder highlighting three areas in which the JAR-OPS1 text lacked clarity, thus resulting in conflicting interpretations by EU operators. Clarification of the three areas was addressed in NPA 2012-12. The commentator's understanding of the requirement confirms that the text lacks clarity and allows different interpretations.

The term *unforeseen* used in GM2 ORO.CC.200(e) interprets as situations that *would not be intentionally planned*, such as the examples in the referenced GM or e.g. SCCM collapsing during pre-flight briefing or during boarding. The commentator's interpretation of the term 'unforeseen' refers to *taking action/having mitigation measures*; in such interpretation e.g. sick leave would be a foreseen situation, but also SCCM's collapse during pre-flight briefing or during boarding or an occurrence happening in-flight, as operator is expected to have procedures in place on how to proceed.

ORO.CC.200(iii) provides an exception in the case there is no other SCCM on the same flight who can be assigned to take over the duties of the incapacitated/unavailable SCCM. The commentator's point is justified, however, there may be situations like those explained in the response to comment 35. The possibility for return of the aircraft to operator's base in such circumstances should be provided. For the purpose of this NPA, 'flight' represents one sector; the commentator's proposal in (ii) would result in flights being grounded until a



replacement arrives at the concerned destination.

Cabin crew member who meets the qualification criteria of ORO.CC.200(b) and (c) is a qualified SCCM; it would be an operator's practice to assign qualified SCCMs only on ad hoc or temporary basis. Based on the received comments, the AMC referring to the 'most appropriately qualified cabin crew member' has been revised to improve clarity.

comment	41	comment by: <i>European Transport Federation - ETF</i>
	<p><b>B. Draft Opinion and Decision</b>  <b>ORO.CC.200 e) (1) (ii)</b>          ADD If the series of flights passes through home base the SCCM will be replaced from standby or at the earliest opportunity.          Further suggestion: to identify the most appropriate crew member to replace an incapacitated SCCM, they could be nominated during the pre-flight briefing.</p>	
response	<p>ACCEPTED</p> <p>AMC1 ORO.CC.200(e) and GM1 ORO.CC.200(e) were modified to reflect the commentator's proposal.</p>	

**B. Draft Opinion and Decision - I. Incapacitation and replacement of Senior cabin crew member - ORO.CC.200 Senior cabin crew member - AMC1 ORO.CC.200(e) Senior cabin crew member**

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comment	3	comment by: <i>AEA</i>
	<p><u>AEA Comment:</u>          Those proposals have no safety justification whereas they would lead to increased operational complexity and associated costs. Stick to EU-OPS. Delete this GM.</p>	
response	<p>NOTED</p> <p>It is not clear which paragraph the commentator is referring to.</p> <p>AMC1 ORO.CC.200(e), as per the heading of this comments section, and AMC1 ORO.CC.200(e)(1)(iii) have been modified based on the received comments.</p> <p>It is assumed that the commentator is referring to GM1 ORO.CC.200(e). This GM provides an explanation and guidance on the possible measures the operator may take to solve the replacement of the incapacitated/unavailable SCCM in order to comply with the requirements of Commission Regulation (EU) No 965/2012.</p>	

comment	<p>9 <span style="float: right;">comment by: IATA</span></p> <p>The proposals are not based on a robust safety case, while they would lead to increased operational complexity and associated costs. IATA recommends to maintain in place existing regulation, that has proved its suitability, and delete this GM.</p>
response	<p>NOTED</p> <p>It is not clear which paragraph the commentator is referring to. AMC1 ORO.CC.200(e), as per the heading of this comments section, and AMC1 ORO.CC.200(e)(1)(iii) have been modified based on the received comments.</p> <p>It is assumed that the commentator is referring to GM1 ORO.CC.200(e). This GM provides an explanation and guidance on the possible measures the operator may take to solve the replacement of the incapacitated/unavailable SCCM in order to comply with the requirements of Commission Regulation (EU) No 965/2012.</p>

comment	<p>25 <span style="float: right;">comment by: DGAC France</span></p> <p>AMC1 ORO.CC.200(e) Senior cabin crew member indicates :  <i>"REPLACEMENT OF THE INCAPACITATED OR UNAVAILABLE SCCM BY ANOTHER SCCM Another SCCM assigned to replace the nominated SCCM needs to comply with the requirements of ORO.CC.200(b)(1) and (c). "</i></p> <p><u>Comment/proposition</u>  The provision is ambiguous : if a SCCM is replaced by another SCCM, this means the latter complies with ORO.CC.200(b)(1) <b>and (b)(2)</b> and (c) as per definition of a SCCM, not with ORO.CC.200(b)(1) only and (c).</p> <p>Paragraph should at least be rephrased or even be deleted if it does not bring any information.</p>
response	<p>ACCEPTED</p> <p>The AMC1 ORO.CC.200(e) has been revised. The text - the subject of this comment - has been deleted due to repetition of the regulatory requirement.</p>

comment	<p>26 <span style="float: right;">comment by: DGAC France</span></p> <p>AMC1 ORO.CC.200(e) Senior cabin crew member indicates :  <i>"REPLACEMENT OF THE INCAPACITATED OR UNAVAILABLE SCCM ... BY MOST APPROPRIATELY QUALIFIED CABIN CREW MEMBER The procedures to select the most appropriately qualified cabin crew member to replace the nominated SCCM should take into account the cabin crew member's operational experience and aircraft types/variants qualification."</i></p>
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	<p><u>Comment/proposition</u> The provision is ambiguous : in all cases, an unavailable SCCM should be replaced by a cabin crew member <u>qualified</u> on the aircraft types/variants. Why then introduce such a criteria, just as if qualification on the aircraft types/variants was optional?</p>
response	<p>NOTED</p> <p>Based on the received comments, the text of the AMC1 ORO.CC.200(e) has been revised to improve clarity and is now reflected in AMC1 ORO.CC.200(e)(1)(iii).</p>
comment	<p>35 <span style="float: right;">comment by: <i>Irish Aviation Authority</i></span></p> <p>Comment: The statement with regard to selecting the most appropriately qualified cabin crew member does not offer any particular guidance and actually creates a wider abyss for interpretation. This should also be clarified to apply only in circumstances where it refers to the incapacitation of SCCM in flight and where the next most appropriately qualified cabin crew member will be substituted. It should not refer to situations prior to dispatch. Proposed Text: N/A Justification: The IAA does not believe that aircraft should be dispatched under any circumstances without a suitable qualified SCCM.</p>
response	<p>PARTIALLY ACCEPTED</p> <p>The text has been revised to improve clarity and is now reflected in AMC1 ORO.CC.200(e)(1)(iii).</p> <p>The commentator's point is justified. However, there may be a situation such as a charter flight from e.g. ATH to TAT or KEM. The SCCM may become incapacitated during a layover (e.g. 3 hours before the crew pick-up time) and there are very limited means to have another SCCM ready at the layover destination prior to the dispatch of the aircraft. There may be flight series, e.g. LGW-CGN-CDG-LGW, where second and third stops are not operator's bases. Should the regulatory requirement disallow a dispatch without a SCCM under any circumstances, the aircraft would be grounded until another SCCM arrives at the destination, the FTL requirements need to be considered as well. ORO.CC.200(e)(ii) states that <i>the replacement shall be assigned... for the remainder of the flight or series of flights</i>. The possibility for the return of the aircraft to operator's base in such circumstances should be provided.</p>
comment	<p>37 <span style="float: right;">comment by: <i>Irish Aviation Authority</i></span></p> <p>Comment: Sentence "Another SCCM assigned to replace the nominated SCCM needs to comply with the requirements of ORO.CC.200 (b)(1) and (c)" does not reflect ORO.CC.200 (b)(2).</p>

Proposed text:  
Sentence beginning "Another SCCM assigned to replace the nominated SCCM needs to comply with the requirements of ORO.CC.200 (b) and (c)".  
Justification: Reference error.

response PARTIALLY ACCEPTED

The AMC1 ORO.CC.200(e) has been revised. The text – the subject of this comment - has been deleted due to repetition of the regulatory requirement.

**B. Draft Opinion and Decision - I. Incapacitation and replacement of Senior cabin crew member - ORO.CC.200 Senior cabin crew member - GM2**

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**ORO.CC.200(e) Senior cabin crew member**

comment 27 comment by: *DGAC France*

Comment/proposition

GM2 defines incapacitation and unavailability. These two terms are also used in AMC1 to ORO.CC.205 (c)(1) - § (b). Could this definition be "extended" to this AMC ?

response ACCEPTED

New GM1 ORO.CC.205(b)(2) has been developed and has replaced GM2 ORO.CC.200(e) Senior cabin crew member.

comment 36 comment by: *Irish Aviation Authority*

Comment:

The meaning given to "unforeseen circumstances" in the context of this GM should be reconsidered. Circumstances which occur pre-dispatch are not unforeseen and can be mitigated.

Proposed text:

"Incapacitation means a sudden degradation of medical fitness that occurs during flight and precludes the SCCM from performing his/her duties. In circumstances where the SCCM becomes unavailable prior to dispatch they should be replaced by another suitably qualified SCCM who complies with the requirements of ORO.CC.200 (b) and (c)."

Justification:

"Unavailability" as an option at a stopover (layover) destination should not be considered. Circumstances which occur pre-dispatch are not unforeseen and Operators should have mitigation procedures in place which safeguard against the potential unavailability of a SCCM e.g. consider providing SCCM training to a wider pool of suitable CCMs who meet the SCCM qualification criteria so that they could operate as SCCM in an "ad hoc" or temporary capacity.

response NOT ACCEPTED

The term *unforeseen* used in GM2 ORO.CC.200(e) interprets as situations that *would not be intentionally planned*, such as the examples in the referenced GM

or e.g. SCCM collapsing during pre-flight briefing or during boarding. The commentator's interpretation of the term 'unforeseen' refers to *taking action/having mitigation measures*; in such interpretation e.g. sick leave would be a foreseen situation, but also SCCM's collapse during pre-flight briefing or during boarding or an occurrence happening in-flight, as operator is expected to have procedures in place on how to proceed.

Cabin crew member who meets the qualification criteria of ORO.CC.200(b) and (c) is a qualified SCCM; it would be an operator's practice to assign qualified SCCMs only on ad hoc or temporary basis.

**B. Draft Opinion and Decision - II. Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members - Amendment to Annex IV, Part-CAT of the Commission Regulation establishing IRs for air operations: CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew**

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comment 28

comment by: DGAC France

Comment/proposition

Replace text in (a) with :  
 " establish procedures to delegate the responsibility referred to in CAT.GEN.MPA.105 §(a)(1)"

Note

"CAT.GEN.MPA.105 Responsibilities of the commander :  
 (a) The commander, in addition to complying with CAT.GEN.MPA.100, shall:  
 (1) be responsible for the safety of all crew members, passengers and cargo on board, as soon as the commander arrives on board the aircraft, until the commander leaves the aircraft at the end of the flight;"

Justification

1. Absence of the flight crew during ground operations leads to legal uncertainties as to who is responsible of the safety of e.g. passengers and crew members (see CAT.GEN.MPA.105 above). The text included in the NPA partially addresses this point as it only mentions alerting procedures.  
 2. Reference to "aerodrome services" is too specific : such services are not always available depending upon the place/time from where the aircraft departs.

The proposition made by DGAC allows solving these problems : crew members other than flight crew members being delegated the relevant responsibilities, they are capable to act just like a flight crew member would if he were present.

response PARTIALLY ACCEPTED

Comment 1: 'Delegate responsibilities of the Commander during ground operations with passengers on board to any person other than a flight crew member (in the absence of flight crew members). Absence of flight crew during

ground operations leads to legal uncertainties as to who is responsible of the safety of passengers and crew members.'

NOT ACCEPTED

ORO.GEN.100(a) states that *the operator is responsible for the operation of the aircraft in accordance with Annex IV to Regulation (EC) No 216/2008, the relevant requirements of this Annex and its certificate*. 'Operation' includes ground and flight operations. Further, AMC3 ORO.MLR.100 specifies the content of the Operations Manual, and point 8.2.2 specifies the content with regard to ground handling instructions and states: *Further procedures, aimed at achieving safety whilst the aircraft is on the ramp, should also be given*.

Responsibility of the Commander cannot be delegated; the Commander can delegate the conduct of the flight; this can be due to e.g. leaving the flight crew compartment for physiological needs or to take inflight rest.

Comment 2: 'Aerodrome services are not always available depending upon the place/time from where the aircraft departs.'

PARTIALLY ACCEPTED

The future regulatory requirements related to aerodromes do not use the collective term 'aerodrome services'. This term has been used in this NPA to refer to several units which are required at an aerodrome or may be available at an aerodrome, and which may, in any way, provide assistance to an aircraft parked at an apron in case there is an urgent need or an emergency on board that aircraft. To explain what the term 'aerodrome services' refers to, the Agency has developed a new *GM1 CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew – Aerodrome services*; ICAO Annex 14 provided a base for the newly developed GM.

comment

29

comment by: DGAC France

Comment/proposition

Option 1 : At the end of (b), add "*if appropriate*"  
 Option 2 : replace (b) with "ensure that at least one person on board the aircraft is qualified to apply these procedures" (deletion of "*ensure proper coordination between the aircraft and the aerodrome services*")

Justification

Option 1 : not always are aerodrome services available depending upon the place/time from where the aircraft departs.

Option 2 : If the proposition made by the DGAC to rephrase CAT.OP.MPA.195 (a) is followed, the requirement for coordination becomes useless : it is addressed indeed through the general delegation of flight crew responsibilities as referred to in CAT.OP.MPA195 §(a)(1) (the need for coordination does also exist if the flight crew are on board and is addressed in AMC1 ORO.GEN.200(a)(3) Management system - §(g)(2)(iii) for complex operators for example).

The second part of the requirement in (b) referring to coordination may be included in a GM if so wished.

response

NOT ACCEPTED

The future regulatory requirements related to aerodromes do not use the collective term 'aerodrome services'. This term has been used in this NPA to refer to several units which are required at an aerodrome or may be available at an aerodrome, and which may, in any way, provide assistance to an aircraft parked at an apron in case there is an urgent need or an emergency on board that aircraft. To explain what the term 'aerodrome services' refers to, the Agency has developed a new *GM1 CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew – Aerodrome services*; ICAO Annex 14 provided a base for the newly developed GM.

The newly proposed regulatory requirement CAT.OP.MPA.195 'Ground operations with passengers on board in the absence of flight crew' requires an operator to establish procedures to alert aerodrome services; the proposed text provides the operator with flexibility to decide which unit of the 'aerodrome services' the qualified person will contact taking into account information published by the aerodrome.

ORO.GEN.100(a) states that *the operator is responsible for the operation of the aircraft in accordance with Annex IV to Regulation (EC) No 216/2008, the relevant requirements of this Annex and its certificate*. 'Operation' includes ground and flight operations. Further, AMC3 ORO.MLR.100 specifies the content of the Operations Manual, and point 8.2.2 specifies the content with regard to ground handling instructions and states: *Further procedures, aimed at achieving safety whilst the aircraft is on the ramp, should also be given*.

Responsibility of the Commander cannot be delegated; the Commander can delegate the conduct of the flight; this can be due to e.g. leaving the flight crew compartment for physiological needs or to take inflight rest.

The AMC1 ORO.GEN.200(a)(3)(g) 'Emergency response plan (ERP)' has been developed in accordance with ICAO Doc. 9859-AN/460 Safety Management Manual; the point 8.7 'Coordination of Emergency response planning' states that:

*8.7.1 An emergency response planning (ERP) outlines in writing what actions should be taken following an accident and who is responsible for each action. ...*

ERP is designed to mitigate consequences of an occurrence. For situations which do not fall within the scope of ERP, the hazard identification, risk assessment and risk mitigation should be applied. The purpose of this subtask of NPA 2012-12 is to develop a requirement for the operator to prevent and/or mitigate accidents/incidents in the future (that may result in the application of ERP).

comment

38

comment by: Organisation

**CAT.OP.MPA.195 Refuelling/defuelling with passengers embarking, on board or disembarking Ground operations with passengers in the**

**absence of flight crew**

For ground operations whenever passengers are embarking, on board or disembarking in the absence of flight crew members, the operator shall: establish procedures to alert the aerodrome services in the event of ground emergency or urgent need; and

ensure that at least one person on board the aircraft is qualified to apply these procedures and ensure proper coordination between the aircraft and the aerodrome services.

**Comment/proposition**

Replace text in (a) with :

« establish procedures to delegate the responsibility referred to in CAT.GEN.MPA.105 §(a)(1)»

Note :

**"CAT.GEN.MPA.105 Responsibilities of the commander**

(a) *The commander, in addition to complying with CAT.GEN.MPA.100, shall:*

(1) *be responsible for the safety of all crew members, passengers and cargo on board, as soon as the commander arrives on board the aircraft, until the commander leaves the aircraft at the end of the flight;"*

**Justification :**

1. Absence of the flight crew during ground operations leads to legal uncertainties as to who is responsible of the safety of e.g. passengers and crew members (see CAT.GEN.MPA.105). The text included in the NPA partially addresses this point as it only mentions alerting procedures.

2. Reference to "aerodrome services" is too specific : such services are not always available depending upon the place/time from where the aircraft departs.

The proposition made by DGAC allows solving these problems : crew members other than flight crew members being delegated the relevant responsibilities, they are capable to act just like a flight crew member would if he were present.

**Other comment/proposition**

Option 1 : At the end of (b), add "if appropriate"

Option 2 : replace (b) with « ensure that at least one person on board the aircraft is qualified to apply these procedures » (deletion of « ensure proper coordination between the aircraft and the aerodrome services »)

**Justification :**

Option 1 : not always are aerodrome services available depending upon the place/time from where the aircraft departs.

Option 2 : If the proposition made by the DGAC to rephrase CAT.OP.MPA.195 (a) is followed, the requirement for coordination becomes useless : it is addressed indeed through the general delegation of flight crew responsibilities as referred to in CAT.OP.MPA195 §(a)(1) (the need for coordination does also exist if the flight crew are on board and is addressed in AMC1 ORO.GEN.200(a)(3) Management system - §(g)(2)(iii) for complex operators for example).

The second part of the requirement in (b) referring to coordination may be included in a GM if so wished.

**AMC1 ORO.GEN.200(a)(3) Management system**

COMPLEX OPERATORS - SAFETY RISK MANAGEMENT

...

(g) The emergency response plan (ERP)

(1) An ERP should be established that provides the actions to be taken by the operator or specified individuals in an emergency. The ERP should reflect the size, nature and complexity of the activities performed by the operator.

(2) The ERP should ensure:

(i) an orderly and safe transition from normal to emergency operations;

(ii) safe continuation of operations or return to normal operations as soon as



response

practicable; and  
 (iii) coordination with the emergency response plans of other organisations, where appropriate.

PARTIALLY ACCEPTED

Comment 1: 'Delegate responsibilities of the Commander during ground operations with passengers on board to any person other than a flight crew member (in the absence of flight crew members). Absence of flight crew during ground operations leads to legal uncertainties as to who is responsible of the safety of passengers and crew members.'

NOT ACCEPTED

ORO.GEN.100(a) states that *the operator is responsible for the operation of the aircraft in accordance with Annex IV to Regulation (EC) No 216/2008, the relevant requirements of this Annex and its certificate*. 'Operation' includes ground and flight operations. Further, AMC3 ORO.MLR.100 specifies the content of the Operations Manual, and point 8.2.2 specifies the content with regard to ground handling instructions and states: *Further procedures, aimed at achieving safety whilst the aircraft is on the ramp, should also be given*.

Responsibility of the Commander cannot be delegated; the Commander can delegate the conduct of the flight; this can be due to e.g. leaving the flight crew compartment for physiological needs or to take inflight rest.

Comment 2: 'Not always are aerodrome services available depending upon the place/time from where the aircraft departs.'

PARTIALLY ACCEPTED

The future regulatory requirements related to aerodromes do not use the collective term 'aerodrome services'. This term has been used in this NPA to refer to several units which are required at an aerodrome or may be available at an aerodrome, and which may, in any way, provide assistance to an aircraft parked at an apron in case there is an urgent need or an emergency on board that aircraft. To explain what the term 'aerodrome services' refers to, the Agency has developed a new *GM1 CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew – Aerodrome services*; ICAO Annex 14 provided a base for the newly developed GM.

The newly proposed regulatory requirement CAT.OP.MPA.195 'Ground operations with passengers on board in the absence of flight crew' requires an operator to establish procedures to alert aerodrome services; the proposed text provides the operator with flexibility to decide which unit of the 'aerodrome services' the qualified person will contact taking into account information published by the aerodrome.

Comment 3: 'The requirement for coordination is addressed in CAT.OP.MPA.195(a)(1) and in AMC1 ORO.GEN.200(a)(3)(g) ERP'

NOT ACCEPTED

It is assumed that the commentator is referring to CAT.GEN.MPA.105(a)(1) (CAT.OP.MPA.195(a)(1) does not exist); this requirement states responsibilities of the commander *as soon as the commander arrives on board the aircraft...*

The AMC1 ORO.GEN.200(a)(3)(g) 'Emergency response plan (ERP)' has been developed in accordance with ICAO Doc. 9859-AN/460 Safety Management Manual; the point 8.7 'Coordination of Emergency response planning' states that:

*8.7.1 An emergency response planning (ERP) outlines in writing what actions should be taken following an accident and who is responsible for each action. ...*

ERP is designed to mitigate consequences of an occurrence. For situations which do not fall within the scope of ERP, the hazard identification, risk assessment and risk mitigation should be applied. The purpose of this subtask of NPA 2012-12 is to develop a requirement for the operator to prevent and/or mitigate accidents/incidents in the future (that may result in the application of ERP).

**B. Draft Opinion and Decision - II. Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members - Amendment to the Decision containing AMC and GM to Part-CAT:** p. 28-30

comment

30

comment by: DGAC France

AMC1 CAT.OP.MPA.200(b) Refuelling/defuelling  
*"REFUELLING/DEFUELLING WITH PASSENGERS EMBARKING, ON BOARD OR DISEMBARKING*

*OPERATIONAL PROCEDURES - AEROPLANES (c)..."*

Comment/proposition

Include in (c) a provision for informing fire fighting services of a refuelling or defuelling operation when passengers are embarking, on board or disembarking

Justification

Rescue and fire fighting services should make a decision as to whether they need to position or not. In that perspective, they should be informed of refuelling or defuelling operations with passengers embarking, on board or disembarking

response

NOTED

The proposal is not within the scope of NPA 2012-12. The proposal is, however, noted for consideration of future modifications of the concerned regulatory requirement.

comment	31 <span style="float: right;">comment by: DGAC France</span>
	<p>AMC1 CAT.OP.MPA.200(b) Refuelling/defuelling  "REFUELLING/DEFUELLING WITH PASSENGERS EMBARKING, ON BOARD OR DISEMBARKING</p> <p>...</p> <p>OPERATIONAL PROCEDURES – HELICOPTERS  (d) Operational procedures should specify that at least the following precautions are taken:  (3) fire-fighting facilities of the appropriate scale be positioned so as to be immediately available in the event of a fire;"</p> <p><u>Comment/proposition</u>  Replace (d)(3) by a requirement for informing fire fighting services of a refuelling or defuelling operation when passengers are embarking, on board or disembarking, if appropriate.</p> <p><i>Note : the same provision as the one has been proposed for aeroplanes except for the fact that, for helicopters, there is a need to add "if appropriate" as some aerodromes integrate automatic fire extinguishing facilities.</i></p> <p><u>Justification</u>  The difference between provisions for helicopter (for which rescue and fire fighting facilities are positioned) and aeroplanes (for which such services are not positioned) is not understood.  Furthermore, rescue and fire fighting services will not always be able to "be positioned so as to be immediately available in the event of a fire", as they may have to be positioned so as to be able to comply with the response time requirements for A/C on the manoeuvring area.  If maintained as proposed in the NPA, provision (d) (3) would mean more fire fighters at aerodromes and induce unnecessary costs.</p>
response	<p>NOTED</p> <p>The proposal is not within the scope of NPA 2012-12. The proposal is, however, noted for consideration of future modifications of the concerned regulatory requirement.</p>

comment	39 <span style="float: right;">comment by: Organisation</span>
	<p><b>AMC1 CAT.OP.MPA.200(b) Refuelling/defuelling</b>  REFUELLING/DEFUELLING WITH PASSENGERS EMBARKING, ON BOARD OR DISEMBARKING  OPERATIONAL PROCEDURES – AEROPLANES  (c)...</p> <p>OPERATIONAL PROCEDURES – HELICOPTERS  Operational procedures should specify that at least the following precautions are taken:  (3) fire-fighting facilities of the appropriate scale be positioned so as to be immediately available in the event of a fire;</p> <p><b>Comment/proposition</b>  1. Include in (c) a provision for informing fire fighting services of a refuelling or</p>

defuelling operation

2. Replace (d) (3) by a requirement for informing fire fighting services of a refuelling or defuelling operation, if appropriate

Justification :

The difference between provisions for helicopter (for which fire fighting facilities are positioned) and aeroplanes (for which such services are not positioned) is not understood.

Furthermore, for helicopters, there is a need to add "if appropriate" as some aerodromes integrate automatic fire extinguishing facilities.

response

NOTED

The proposal is not within the scope of NPA 2012-12. The proposal is, however, noted for consideration of future modifications of the concerned regulatory requirement.

## **B. Draft Opinion and Decision**

### **I. Incapacitation and replacement of Senior cabin crew member**

#### **Amendment to Annex III, Part-ORO, Subpart-CC of the Commission Regulation establishing Implementing Rules for air operations:**

##### **ORO.CC.200 Senior cabin crew member**

- (a) When more than one cabin crew member is required, the composition of the cabin crew shall include a senior cabin crew member (SCCM) nominated by the operator.
- (b) The operator shall nominate cabin crew members to the position of ~~senior cabin crew member~~ SCCM only if they:
  - (1) have at least 1 year of experience as operating cabin crew member; and
  - (2) have successfully completed a senior cabin crew training course and the associated check.
- (c) The senior cabin crew training course shall cover all duties and responsibilities of ~~senior cabin crew members~~ SCCM and shall include at least the following elements:
  - (1) pre-flight briefing;
  - (2) cooperation with the crew;
  - (3) review of operator requirements and legal requirements;
  - (4) accident and incident reporting;
  - (5) human factors and crew resource management (CRM); and
  - (6) flight and duty time limitations and rest requirements.
- (d) The ~~senior cabin crew member~~ SCCM shall be responsible to the commander for the conduct and coordination of normal and emergency procedures specified in the operations manual, including for discontinuing non safety-related duties for safety or security purposes.
- (e) ~~The operator shall establish procedures to select the most appropriately qualified cabin crew member to act as senior cabin crew member if the nominated senior cabin crew member becomes unable to operate. Changes to these procedures shall be notified to the competent authority.~~
- (e) **Replacement of SCCM.** The operator shall:
  - (1) establish procedures to ~~ensure~~ **replacement** of the nominated SCCM by another SCCM when:
    - (i) the nominated SCCM does not report for, or cannot commence the assigned flight or series of flights originating from his/her assigned crew base. In this case the concerned flight shall not depart unless another SCCM has been assigned;
    - (ii) the nominated SCCM becomes incapacitated or unavailable. The replacement shall be assigned without undue delay for the remainder of the flight or series of flights;
    - (iii) for the purpose of (ii), if there is no other SCCM who can be assigned, the operator shall assign the cabin crew member most appropriately qualified to act as SCCM.
  - (2) notify the competent authority of any change to these procedures.

**Amendment to the Decision containing AMC and GM to Part-ORO:****AMC1 ORO.CC.200(e) Senior cabin crew member**

REPLACEMENT OF THE INCAPACITATED OR UNAVAILABLE SCCM

BY ANOTHER SCCM

Another SCCM assigned to replace the nominated SCCM needs to comply with the requirements of ORO.CC.200(b)(1) and (c).

**REPLACEMENT OF INCAPACITATED SCCM**

A SCCM who becomes incapacitated during a flight or series of flights should be replaced by another SCCM if he/she is among the operating crew on the same flight. In the absence of another SCCM, the most appropriately qualified cabin crew member should be assigned to act as SCCM for the remainder of the flight or series of flights. If during the series of flights the aircraft passes an operator's base, the assigned cabin crew member acting as SCCM should be replaced by another SCCM.

**REPLACEMENT OF UNAVAILABLE SCCM**

In case of unavailable SCCM, the operator should use take into account the available time and resources to replace the unavailable SCCM at the stopover (layover) point to ensure the unavailable SCCM can be replaced with another SCCM for the remainder of the series of flights in order to reach operator's base.

BY MOST APPROPRIATELY QUALIFIED CABIN CREW MEMBER

The procedures to select the most appropriately qualified cabin crew member to replace the nominated SCCM should take into account the cabin crew member's operational experience and aircraft types/variants qualification.

**AMC1 ORO.CC.200(e)(1)(iii) Senior cabin crew member**

REPLACEMENT OF SCCM BY THE MOST APPROPRIATELY QUALIFIED CABIN CREW MEMBER

Incapacitated SCCM can be replaced by the most appropriately qualified cabin crew member for the remainder of the flight if there is no other SCCM on the same flight. Another SCCM should be made available when the aircraft passes the next operator's base.

In case of unavailable SCCM, the operator should take into account the available time and resources at the stopover (layover) point to ensure the unavailable SCCM can be replaced with another SCCM for the remainder of the series of flights.

The cabin crew member selected as procedures to select the most appropriately qualified cabin crew member to replace the nominated SCCM should have a minimum of 1 year experience as operating cabin crew member take into account the cabin crew member's operational experience and aircraft types/variants qualification should have operating experience on the concerned aircraft type/variant.

**GM1 ORO.CC.200(e) Senior cabin crew member**

REPLACEMENT OF INCAPACITATED OR UNAVAILABLE SCCM BY ANOTHER SCCM

- (a) To ensure that another SCCM is assigned without undue delay and that a flight or series of flights do not depart from an aerodrome where a SCCM is available or can be made

available, the operator should take appropriate measures. These include, but are not limited to the following:

- (1) Utilising a SCCM assigned to another flight and available at the concerned base or stopover (layover) point if the reporting time for that flight provides sufficient time to find a replacement; or
- (2) Utilising a SCCM on standby to operate the flight or to position to the destination where the nominated SCCM has become incapacitated or unavailable to operate.

(b) The operator should consider to include in pre-flight briefings the identification of the most suitably qualified cabin crew member.

**~~GM2 ORO.CC.200(e) Senior cabin crew member~~ GM1 ORO.CC.205(b)(2) Reduction of the number of cabin crew during ground operations and in unforeseen circumstances**

~~INCAPACITATION OR UNAVAILABILITY~~ UNFORESEEN CIRCUMSTANCES

Incapacitation means a sudden degradation of medical fitness that occurs during flight duty period and precludes the SCCM or cabin crew member from performing his/her duties.

Unavailability means unforeseen circumstances at a stopover (layover) destination that preclude the SCCM or cabin crew member from reporting for the remainder of the series of flights, such as traffic jams that prevent the SCCM or cabin crew member from presenting himself/herself at the crew pick-up point in time, difficulties with local authorities, health problems, death, etc. Unavailability does not refer to absence from work due to pregnancy, maternity/paternity leave, parental leave, medical leave, or sick leave.

**GM to Annex I - Definitions for terms used in Annexes II-V**

...

SCCM senior cabin crew member

**ORO.CC.205 Reduction of the number of cabin crew during ground operations and in unforeseen circumstances**

...

(c) Conditions:

...

- (2) the reduced cabin crew includes a ~~senior cabin crew member~~ SCCM as specified in ORO.CC. 200;

**AMC1 ORO.GEN.110(f)(h) Operator responsibilities**

ESTABLISHMENT OF PROCEDURES

...

- (b) When establishing procedures and a checklist system for cabin crew with respect to the aircraft cabin, the operator should take into account at least the following duties:

Duties	Pre-take off	In-flight	Pre-landing	Post-landing
(1) Briefing of cabin crew by the <del>senior cabin crew member</del> SCCM prior to commencement of a flight or series of flights	x			

### AMC3 ORO.MLR.100 Operations manual – general

#### CONTENTS – COMMERCIAL AIR TRANSPORT OPERATIONS

1 The OM should contain at least the following information, where applicable, as relevant for the area and type of operation:

A GENERAL/BASIC

...

4 CREW COMPOSITION

4.1 Crew composition. An explanation of the method for determining crew compositions, taking account of the following:

.....

(g) the designation of the ~~senior cabin crew member~~ SCCM and, if necessitated by the duration of the flight, the procedures for the relief of the ~~senior cabin crew member~~ SCCM and any other member of the cabin crew.

### AMC1 ORO.CC.115(e) Conduct of training courses and associated checking

#### CREW RESOURCE MANAGEMENT– CRM INSTRUCTORS AND TRAINING PROGRAMMES

...

(b) CRM training programmes

(1) There should be an effective liaison between flight crew and cabin crew training departments. Provision should be made to allow, whenever practicable, flight and cabin crew instructors to observe and comment on each other's training. Consideration should be given to creating films of flight deck scenarios for playback to all cabin crew during recurrent training, and to providing the opportunity for cabin crew members, particularly ~~senior cabin crew members~~ SCCM, to participate in flight crew line oriented flying training (LOFT) exercises.

...

(3) CRM training for ~~senior cabin crew member~~ SCCM

(i) CRM training for ~~senior cabin crew members~~ SCCM should be the application of knowledge gained in previous CRM training and operational experience relevant to the specific duties and responsibilities of a ~~senior cabin crew member~~ SCCM.



- (ii) The ~~senior cabin crew member~~ SCCM should demonstrate the ability to manage the operation and take appropriate leadership/management decisions.

### **GM1 ORO.CC.115(e) Conduct of training courses and associated checking**

CREW RESOURCE MANAGEMENT (CRM)

...

- (b) General principles for CRM training for cabin crew

...

- (2) Whenever practicable, combined training should be provided to flight crew and cabin crew, particularly ~~senior cabin crew members~~ SCCM. This should include feedback.

### **AMC1 ORO.CC.135 Familiarisation**

FAMILIARISATION FLIGHTS AND AIRCRAFT FAMILIARISATION VISITS

...

- (b) Familiarisation flights

...

- (2) Familiarisation flights should be:

- (i) conducted under the supervision of the ~~senior cabin crew member~~ SCCM;

### **AMC1 ORO.CC.200(c) Senior cabin crew member**

TRAINING PROGRAMME

The ~~senior cabin crew member~~ SCCM training course should at least cover the following elements:

### **AMC1 ORO.CC.200(d) Senior cabin crew member**

RESPONSIBILITY TO THE COMMANDER

When the level of turbulence so requires, and in the absence of any instructions from the flight crew, the ~~senior cabin crew member~~ SCCM should be entitled to discontinue non-safety related duties and advise the flight crew of the level of turbulence being experienced and the need for the fasten seat belt signs to be switched on. This should be followed by the cabin crew securing the passenger cabin and other relevant areas.

### **AMC1 ORO.CC.205(c)(1) Reduction of the number of cabin crew during ground operations and in unforeseen circumstances**

PROCEDURES with REDUCED NUMBER OF CABIN CREW

- (a) During ground operations, if reducing the applicable minimum required number of cabin crew, the operator should ensure that the procedures required by ORO.CC.205 (c)(1) specify that:

...

- (2) a means of initiating an evacuation is available to the ~~senior cabin crew member~~ SCCM or at least one member of the flight crew is in the flight crew compartment;

...

- (5) the ~~senior cabin crew member~~ SCCM should have performed the pre-boarding safety briefing to the cabin crew; and

**II. Communication between a person on board the aircraft and aerodrome services during ground operations with passengers on board and in the absence of flight crew members**

**Amendment to Annex IV, Part-CAT of the Commission Regulation establishing Implementing Rules for air operations:**

**CAT.OP.MPA.195 ~~Refuelling/defuelling with passengers embarking, on board or disembarking~~ Ground operations with passengers in the absence of flight crew**

~~(a) An aircraft shall not be refuelled/defuelled with Avgas (aviation gasoline) or wide cut type fuel or a mixture of these types of fuel, when passengers are embarking, on board or disembarking.~~

~~(b) For all other types of fuel, necessary precautions shall be taken and the aircraft shall be properly manned by qualified personnel ready to initiate and direct an evacuation of the aircraft by the most practical and expeditious means available.~~

For ground operations whenever passengers are embarking, on board, or disembarking in the absence of flight crew members, the operator shall:

- (a) establish procedures to alert the aerodrome services in the event of ground emergency or urgent need; and
- (b) ensure that at least one person on board the aircraft is qualified to apply these procedures and ensure proper coordination between the aircraft and the aerodrome services.

**CAT.OP.MPA.200 ~~Refuelling/defuelling with wide cut fuel~~**

- (a) Refuelling/defuelling with wide-cut fuel shall only be conducted if the operator has established appropriate procedures taking into account the high risk of using wide-cut fuel types.
- (b) When passengers are embarking, on board, or disembarking:
- (1) an aircraft shall not be refuelled/defuelled with Avgas (aviation gasoline) or wide-cut type fuel, or a mixture of these types of fuel; and
  - (2) for all other types of fuel, necessary precautions shall be taken and the aircraft shall be properly manned by qualified personnel ready to initiate and direct an evacuation of the aircraft by the most practical and expeditious means available.

**Amendment to the Decision containing AMC and GM to Part-CAT:****GM1 CAT.OP.MPA.195 Ground operations with passengers in the absence of flight crew****AERODROME SERVICES**

Aerodrome services refer to units available at an aerodrome that could be of assistance in responding to an urgent need or an emergency, such as rescue and fire fighting services, medical and ambulance services, air traffic services, security services, police, aerodrome operations, air operators.

**AMC1 CAT.OP.MPA.195 200(b) Refuelling/defuelling with passengers embarking, on board or disembarking****REFUELLING/DEFUELLING WITH PASSENGERS EMBARKING, ON BOARD, OR DISEMBARKING****OPERATIONAL PROCEDURES - GENERAL**

- (a) When refuelling/defuelling with passengers on board, ground servicing activities and work inside the aircraft, such as catering and cleaning, should be conducted in such a manner that they do not create a hazard and allow emergency evacuation to take place through those aisles and exits intended for emergency evacuation.
- (b) The deployment of integral aircraft stairs or the opening of emergency exits as a prerequisite to refuelling is not necessarily required.

**OPERATIONAL PROCEDURES - AEROPLANES**

- (c) Operational procedures should specify that at least the following precautions are taken:
  - (1) one qualified person should remain at a specified location during fuelling operations with passengers on board. This qualified person should be capable of handling emergency procedures concerning fire protection and fire-fighting, handling communications and initiating and directing an evacuation;
  - (2) two-way communication should be established and should remain available by the aeroplane's inter-communication system or other suitable means between the ground crew supervising the refuelling and the qualified personnel on board the aeroplane; the involved personnel should remain within easy reach of the system of communication;
  - (3) crew, personnel and passengers should be warned that re/defuelling will take place;
  - (4) 'Fasten Seat Belts' signs should be off;
  - (5) 'NO SMOKING' signs should be on, together with interior lighting to enable emergency exits to be identified;
  - (6) passengers should be instructed to unfasten their seat belts and refrain from smoking;
  - (7) the minimum required number of cabin crew should be on board and be prepared for an immediate emergency evacuation;
  - (8) if the presence of fuel vapour is detected inside the aeroplane, or any other hazard arises during re/defuelling, fuelling should be stopped immediately;

- (9) the ground area beneath the exits intended for emergency evacuation and slide deployment areas should be kept clear at doors where stairs are not in position for use in the event of evacuation; and
- (10) provision is made for a safe and rapid evacuation.

#### OPERATIONAL PROCEDURES - HELICOPTERS

- (d) Operational procedures should specify that at least the following precautions are taken:
  - (1) door(s) on the refuelling side of the helicopter remain closed;
  - (2) door(s) on the non-refuelling side of the helicopter remain open, weather permitting;
  - (3) fire-fighting facilities of the appropriate scale be positioned so as to be immediately available in the event of a fire;
  - (4) sufficient personnel be immediately available to move passengers clear of the helicopter in the event of a fire;
  - (5) sufficient qualified personnel be on board and be prepared for an immediate emergency evacuation;
  - (6) if the presence of fuel vapour is detected inside the helicopter, or any other hazard arises during refuelling/defuelling, fuelling be stopped immediately;
  - (7) the ground area beneath the exits intended for emergency evacuation and slide deployment areas be kept clear; and
  - (8) provision is made for a safe and rapid evacuation.

#### **GM1 CAT.OP.MPA.200(a) Refuelling/defuelling with wide-cut fuel**

##### PROCEDURES FOR REFUELLING/DEFUELLING WITH WIDE-CUT FUEL

- (a) 'Wide cut fuel' (designated JET B, JP-4 or AVTAG) is an aviation turbine fuel that falls between gasoline and kerosene in the distillation range and consequently, compared to kerosene (JET A or JET A1), it has the properties of higher volatility (vapour pressure), lower flash point and lower freezing point.
- (b) Wherever possible, the operator should avoid the use of wide-cut fuel types. If a situation arises such that only wide-cut fuels are available for refuelling/defuelling, operators should be aware that mixtures of wide-cut fuels and kerosene turbine fuels can result in the air/fuel mixture in the tank being in the combustible range at ambient temperatures. The extra precautions set out below are advisable to avoid arcing in the tank due to electrostatic discharge. The risk of this type of arcing can be minimised by the use of a static dissipation additive in the fuel. When this additive is present in the proportions stated in the fuel specification, the normal fuelling precautions set out below are considered adequate.
- (c) Wide-cut fuel is considered to be 'involved' when it is being supplied or when it is already present in aircraft fuel tanks.
- (d) When wide-cut fuel has been used, this should be recorded in the technical log. The next two uplifts of fuel should be treated as though they too involved the use of wide-cut fuel.

- (e) When refuelling/defuelling with turbine fuels not containing a static dissipator, and where wide-cut fuels are involved, a substantial reduction on fuelling flow rate is advisable. Reduced flow rate, as recommended by fuel suppliers and/or aeroplane manufacturers, has the following benefits:
  - (1) it allows more time for any static charge build-up in the fuelling equipment to dissipate before the fuel enters the tank;
  - (2) it reduces any charge which may build up due to splashing; and
  - (3) until the fuel inlet point is immersed, it reduces misting in the tank and consequently the extension of the flammable range of the fuel.
- (f) The flow rate reduction necessary is dependent upon the fuelling equipment in use and the type of filtration employed on the aeroplane fuelling distribution system. It is difficult, therefore, to quote precise flow rates. Reduction in flow rate is advisable whether pressure fuelling or over-wing fuelling is employed.
- (g) With over-wing fuelling, splashing should be avoided by making sure that the delivery nozzle extends as far as practicable into the tank. Caution should be exercised to avoid damaging bag tanks with the nozzle.