



## TERMS OF REFERENCE

- Task No:** RMT.0429 and RMT.0493 (OPS.071(b))
- Issue:** 1
- Date:** 21 August 2012
- Regulatory reference:**
- Regulation (EC) No 1899/2006<sup>1</sup>
    - Article 1 (1)-(2) and (10)-(11)
  - Commission Regulation (EC) No 859/2008<sup>2</sup> (Annex III - hereafter referred to as 'EU-OPS')
  - Regulation (EC) No 216/2008<sup>3</sup>:
    - Article 8
    - Article 22(2)
    - Annex IV, § 7.a.(iii) / 7.f. / 7.g./ 8.b. / 8.f.
- Reference documents:**
- EU-OPS Subpart Q - Flight and duty time limitations and rest requirements
  - Recent publicly available relevant studies/research work relating to FTL, including the scientific and medical evaluation of Subpart Q
  - NPA 2009-02<sup>4</sup>
    - 2009-02b – Part-OPS Air operations - Section I (Implementing Rules (IRs)/Acceptable Means of Compliance (AMC)/Guidance Material (GM));
    - 2009-02c – Part-OR Organisation requirements - Subpart OPS - Section VIII (IRs/CS FTL.1/AMC/GM);
    - 2009-02d – Part-AR Authority requirements - Subpart OPS - Section III (IRs/AMC/GM).
  - CRD 2010-14<sup>5</sup>  
proposing IRs, CS and related AMC and GM on flight and duty time limitations and rest requirements (FTL) for commercial air transport (CAT) with aeroplanes
  - Opinion 04/2011 on Air Operations<sup>6</sup>
  - ICAO Annex 6:
    - Part I – International Commercial Air Transport - Aeroplanes

<sup>1</sup> Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (OJ L 377, 27.12.2006, p. 1 – 175)

<sup>2</sup> Commission Regulation (EC) No 859/2008<sup>2</sup> of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane (OJ L 254, 20.9.2008, p. 1-238).

<sup>3</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1). Regulation as last amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

<sup>4</sup> See: <http://easa.europa.eu/rulemaking/r-archives.php>.

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

<sup>6</sup> See: <http://www.easa.europa.eu/agency-measures/opinions.php>.

- Chapter 4 - Flight operations, § 4.10
- Attachment A - Flight time and flight duty period limitations
- Chapter 2 - Flight operations, ICAO latest amendments on flight time limitations and rest requirements and related GM (Amendment No 33 to Annex 6 Part I)
- FRMS Manual for Regulators (ICAO Doc 9966) and the FRMS Implementation Guide for Operators

**1. Subject:** Updating and harmonising of FTL for commercial air transport (CAT) by aeroplane for air taxi operations and single-pilot operations taking into account operational experience and recent scientific evidence.

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

As foreseen by Article 8 of the Basic Regulation, the Agency has developed common rules for all types of operations and all types of aircraft, taking account of any special needs of particular type of operations or aircraft to provide for flexibility and proportionality where relevant.

Air operations have been addressed by rulemaking task OPS.001, which has resulted in the publication of Opinion 04/2011 on Air Operations.

The FTL requirements laid down in Subpart Q of EU-OPS are applicable to commercial air transport by aeroplanes and are the result of long lasting negotiations that were based on operational experience mainly originating from scheduled and charter operations.

Subpart Q requirements also apply to air taxi operations and single-pilot operations by aeroplane, however, with the notable exception of those relating to the maximum daily flight duty period (OPS 1.1105) for single-pilot operations, which constitutes a major aspect of FTL.

The Subpart Q requirements, as applicable to scheduled and charter operations, have been reviewed and updated with rulemaking task OPS.055, which has resulted in the publication of CRD to NPA 2010-14<sup>7</sup> on 18 January 2012.

During the initial phase of rulemaking task OPS.055 it was concluded that air taxi operations and single-pilot operations by aeroplane should be addressed by a separate rulemaking task. Air taxi operations means for the purpose of flight and duty time limitations, non-scheduled on demand commercial operations with an aeroplane with a maximum operational passenger seating configuration (MOPSC) of 19 or less. Therefore, FTL still remained to be addressed for types of CAT operations other than scheduled and charter operations by aeroplane and dedicated rulemaking tasks were included in the rulemaking programme to develop FTL for those other types of CAT operations.

Taking into account the wide diversity of operations concerned, it was concluded that the task should be divided in subtasks, namely (a) for EMS by aeroplane and by helicopter, (b) for air taxi operations and single-pilot operations by aeroplane and (c) for other CAT operations by helicopter.

The task on FTL for air taxi operations and single-pilot operations by aeroplane (renumbered as RMT.0429) is listed in the Rulemaking Programme 2012–2015 as the second to be completed of those initially titled OPS.071.

The remaining types of operations that are not yet covered (e.g. sole night or ultra-long haul) will be addressed at a later stage in accordance with the Rulemaking Programme.

<sup>7</sup> See: <http://www.easa.europa.eu/rulemaking/comment-response-documents-CRDs-and-review-groups.php>.

**3. Objective:**

To fulfill the task, taking into consideration relevant recent publicly available studies/evaluations and operational experience:

- by reviewing and assessing:
  - Subpart Q provisions currently applicable to air taxi operations and single-pilot operations by aeroplane and the outcome of CRD to NPA 2010-14;
  - existing FTL national provisions replacing the provisions specified in OPS 1.1105 for single-pilot operations by aeroplanes;
  - existing national FTL provisions applicable to air taxi operations and single-pilot operations by aeroplane derogating under Article 8(3) of Regulation (EC) 1899/2006 from those specified in Subpart Q; and
  - the application to air taxi operations and single-pilot operations by aeroplane of provisions currently subject to national discretion under Article 8(4) of Regulation (EC) 1899/2006.
- by submitting regulatory proposals (for IR, CS, AMC, and GM as considered appropriate) based on the preferred option retained after completion of a regulatory impact assessment (RIA). If/where relevant, a review and clarification will be conducted for the Authority and Organisation requirements regarding:
  - the development and modification of individual schemes and the process for their approval; and
  - the use and role of Fatigue Risk Management (FRM) in relation to the operator's safety management system (SMS) and to the use of individual schemes.

**4. Specific tasks and interface issues (Deliverables):**

- To carefully evaluate the impact of the regulatory solutions envisaged and to provide a comprehensive RIA encompassing flight safety as well as other relevant aspects, such as economic and social.
- To take account of relevant recent publicly available scientific studies/evaluations and operational experience, relevant comments to NPA 2009-02 and related reactions to CRD to NPA 2010-14, experience gained in requests for derogations to Subpart Q, any amended ICAO SARPS, and international developments.
- To develop an Opinion proposing IRs and/or a Decision of the Agency's Executive Director proposing CS/AMC/GM material for flight and duty time limitations and rest requirements for CAT air taxi operations and single-pilot operations by aeroplane.
- To ensure consistency of proposed regulatory solutions with the rulemaking group developing the Opinion and/or Decision containing CS/AMC/GM material for flight and duty time limitations and rest requirements for CAT operations of EMS by aeroplanes (RMT.0346).

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

The task shall be carried out in cooperation with a rulemaking group comprising experts nominated according to the applicable procedure<sup>8</sup>.

Scientific or medical experts may be associated to this rulemaking activity if deemed necessary.

Meetings shall be held at the Agency's premises in Cologne.

<sup>8</sup> See: <http://easa.europa.eu/rulemaking/terms-of-reference-and-group-composition.php>.

**6. Time scale, milestones:**

Starting date: 2012/Q3

Notice of Proposed Amendment (NPA): 2014/Q1

Comment-Response Document (CRD) + Opinion: 2015/Q3

Decision: 2016/Q3