



TERMS OF REFERENCE

- Task Nr:** RMT.0346 (OPS.071(a))
- Issue:** 1
- Date:** 18 April 2012
- Regulatory reference:**
- Commission Regulation (EC) No 859/2008¹ (Annex III - hereafter referred to as 'EU OPS')
 - Regulation (EC) No 216/2008²:
 - Article 14
 - Article 22(2)
 - Annex IV, § 7.a.(iii) / 7.f. / 7.g./ 8.b. / 8.f.
- Reference documents:**
- Relevant studies/research work relating to FTL, including the scientific and medical evaluation of Subpart Q
 - NPA 2009-02³
 - 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).
 - NPA 2010-14 and related CRD 2010-14⁴ proposing IRs and related AMC and GM on flight and duty time limitations and rest requirements (FTL) for commercial air transport (CAT) with aeroplanes
 - ICAO Annex 6:
 - Part I – International Commercial Air Transport - Aeroplanes
 - Chapter 4 - Flight operations, § 4.10
 - Attachment A - Flight time and flight duty period limitations.
 - Part III – International operations – Helicopters
 - 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 Commission Regulation (EC) No 859/2008¹ 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).

² 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).

³ See: <http://easa.europa.eu/rulemaking/r-archives.php>.

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

1. Subject: Development of FTL for CAT operations of emergency medical services (EMS) by aeroplanes and helicopters

Updating and harmonising of flight and duty time limitations and rest requirements (FTL) for CAT operations of Emergency Medical Services (EMS) by aeroplane and development of common FTL requirements for EMS operations by helicopter, taking into account operational experience and recent scientific evidence.

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

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 EMS by aeroplanes, however with the notable exception of those relating to the maximum daily flight duty period (OPS 1.1105) which constitutes a major aspect of FTL.

Also, 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 2010-14⁵ on 18 January 2012. Comments received to the NPA have been carefully reviewed and the related comment response document (CRD) contains the Agency's responses together with revised proposals.

Additionally, EMS operations not only by aeroplanes but also by helicopters need to be covered. The situation differs for helicopter EMS operations which are still regulated at national level, thus common FTL have not yet been developed at EU level.

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 therefore been addressed by rulemaking task OPS.001, which has resulted in the publication of Opinion 03/2011 on Authority and Organisation Requirements and Opinion 04/2011⁶ on Air Operations.

However, FTL still remain to be addressed for types of operations other than CAT scheduled and charter operations by aeroplanes.

This activity therefore requires a separate dedicated rulemaking task (initially titled OPS.071). Taking into account the wide diversity of operations concerned, it was concluded that the task should be divided in subtasks, namely (a) for EMS, (b) for air taxi and single-pilot operations and (c) for CAT operations by helicopter.

The task on FTL for EMS by aeroplanes and by helicopters (renumbered as RMT.0346) is listed in the Rulemaking programme 2012–2015 as the first to be completed. The others are planned to start subsequently in the third quarter of 2012 and in the first quarter of 2013.

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.

⁵ See: <http://www.easa.europa.eu/rulemaking/comment-response-documents-CRDs-and-review-groups.php>.

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

3. Objective:

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

- by reviewing and assessing:
 - Subpart Q provisions currently applicable to EMS operations by aeroplanes, and the outcome of CRD to NPA 2010-14;
 - FTL national provisions applicable to EMS operations by aeroplanes that would deviate from those specified in Subpart Q;
 - existing FTL national provisions replacing the provisions specified in OPS 1.1105 which do not apply to EMS operations by aeroplanes; and
 - existing national FTL provisions applicable to EMS operations by helicopters.
- 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 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 operations of EMS by aeroplanes and by helicopters.
- To ensure consistency of proposed regulatory solutions with the rulemaking groups developing the Opinions and/or Decisions containing CS/AMC/GM material for flight and duty time limitations and rest requirements for CAT operations - air taxi and single pilot operations by aeroplanes (RMT.0429) and other CAT operations by helicopters (RMT.0430).

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

The tasks shall be carried out in cooperation with a rulemaking group comprising experts nominated according to the applicable procedure⁷. Two subgroups addressing respectively EMS by aeroplanes and by helicopters will be set up.

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.

⁷ See: <http://easa.europa.eu/rulemaking/terms-of-reference-and-group-composition.php>.

6. Time scale, milestones:

Starting date: 2012/Q1

Notice of Proposed Amendment (NPA): 2013/Q3

Comment-Response Document (CRD): 2014/Q1

Opinion: 2015/Q1 / Decision: 2016/Q1

Note: Deadlines may be adjusted if needed in order to ensure consistency with RMT.0429 and RMT.0430 deliverables.