

## Position Paper

### EASA FLIGHT AND DUTY TIME LIMITATIONS (FTL) (28<sup>th</sup> September 2009)

#### Background

In the field of commercial air transportation, common EU rules were already established through EU-OPS (including Subpart Q for FTL). As part of its extended scope, the European Aviation Safety Agency (EASA) is preparing the future EASA safety rules on airline operations (EASA OPS), which will replace EU-OPS by 8<sup>th</sup> April 2012.

The scientific and medical evaluation of Subpart Q of EU-OPS (Moebus Report) was submitted to EASA in late 2008. It is flawed science with recommendations which have no safety justification and which would lead to huge cost increases for EU airlines (more than 1 Billion Euro extra costs per year for AEA members alone). EASA still has to establish a clear position on the implications of the Moebus report. However, the European Transport Safety Council (ETSC) has already highlighted its lacking scientific basis (31<sup>st</sup> March 2009).

#### AEA position:

The flawed Moebus Report which did not include any operational experience related to Subpart Q should not be used for any regulatory action by EASA.

**EU-OPS Subpart Q is state-of-the-art, demonstrably safe and more comprehensive than non-EU FTL schemes. The AEA therefore calls on EASA to build its future FTL rules on EU-OPS Subpart Q rather than trying to reinvent the wheel:**

- All substantial provisions from Subpart Q should be transferred into hard-law (EASA Implementing Rules).
- Those EU-OPS blank spots where different approaches are possible (and which currently are subject to national legislation i.e. split duty, reduced rest and standby duty) should be transferred into soft-law.
- The risks related to fatigue are today already adequately mitigated. Whether or not to implement a Fatigue Risk Management System (FRMS) should remain an individual airline's decision and should only be required to get additional flexibility for specific flights that go beyond the limits of prescriptive FTL schemes such as subpart Q, but not for all flights/ airlines as suggested by EASA. Further guidance on FRMS will be developed by ICAO and therefore does not require prescriptive regulation by EASA.

Such an approach would ensure safety while it would provide for legal stability. It would build on the huge efforts to implement Subpart Q whereas it would cater for the need for some flexibility due to the fact that different approaches are possible for the EU-OPS blank spots currently dealt through national legislation.

Based on this position paper, AEA did submit to EASA a joint position paper with ELFAA (low cost airlines), ERA (regional airlines) and IACA (charter airlines),

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