



European Union Aviation Safety Agency

GUIDELINES

FTL EXEMPTIONS UNDER ARTICLE 71(1) OF THE BASIC REGULATION



1. Purpose of these Guidelines

The purpose of this document is to provide guidelines for national competent authorities (NCAs) to consider when granting Flight Time Limitation (FTL) exemptions under Art. 71(1) of Regulation (EU) 2018/1139 (hereinafter, the Basic Regulation), during the current COVID-19 outbreak.

2. Scope of exemptions

2.1. When using Article 71(1) of the Basic Regulation (BR) to exempt CAT scheduled and charter operators from certain requirements of sub-part FTL of Regulation 965/2012,¹ the NCAs should specify the following:

- a) The period of exemption: the period should refer to the duration of the COVID-19 outbreak in the Member State, but in any case should be less than 8 months.
- b) The scope of exemption: as applicable.
- c) The exempted provisions should be limited to:
 - ORO.FTL.205 and associated CS;
 - ORO.FTL.235(b) and (c); CS FTL 1.235 (c);
 - ORO.FTL.110 (j)

2.2. The exemption should allow, on a temporary basis and as applicable or necessary:

- a) An extension of the maximum daily Flight Duty Period (FDP) which does not comply with ORO.FTL.205 (b), (d), (e) and (f), and associated CS;
- b) A rest period at outstation (away from home base) to be taken in the in-flight rest facility on board and not in suitable accommodation;
- c) A reduced rest period without fatigue risk management (FRM) under ORO.FTL.120.

2.3. Exemptions from FTL requirements should be granted for specific flights only when no other solutions are available.

3. Risk assessment

- a) The Operator should develop a risk assessment to determine the probability and potential severity of fatigue-related to the planned flight.
- b) The risk assessment should identify hazards related to crew fatigue and provide appropriate mitigations measures to reduce the risks identified as far as possible.
- c) This risk assessment should be evaluated by the NCA before approving the exemption.
- d) The risk assessment should also consider the cumulative effective of other relevant exemptions/alleviations, if any.

¹ 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).

4. Mitigations (Focus areas for the competent authorities)

- 4.1. Extended FDP, mentioned under 2.2(a) above, without augmented crew should be avoided as much as possible.
- 4.2. Priority should be given to aircraft with Class 1 resting facilities for the purpose of extended FDPs. For aircraft not equipped with in-flight rest facilities Class 1, the operator should ensure that Class 2 or Class 3 in-flight rest facilities are isolated from passengers by at least a curtain and are not adjacent to seats occupied by passengers.
- 4.3. For augmented crew operations with double crew, one of which positioning, the NCAs should assess whether the minimum rest of the relieving crew is commensurate to the duration of the following active duty.
- 4.4. The operator should ensure an adequate rest period at home base prior to and after a rotation involving extended FDPs and/or minimum rest periods of 10 hours at outstation.
- 4.5. In particular, for any extended FDP of up to 24 hours (including or not in-flight rest period) – the minimum pre-flight rest at home base should be at least 48 hours and the minimum rest at outstation should be not less than 8 hours. The post flight rest period at home base should be minimum 72 hours.
- 4.6. For aircraft equipped with in-flight rest facilities Class 1, the minimum rest period at outstation, which may be taken in the on-board in-flight rest facility, should not be less than 6 hours.
- 4.7. Whenever the rest period at outstation is taken in the in-flight facility on board of the aircraft, a means to provide electrical supply and temperature control to the aircraft should be ensured.
- 4.8. For the reduced rest arrangements the operator should be exempted from the requirement to have an FRM, and priority should be given to the risk assessment under p.3 and fatigue mitigation measures related to reduced rest.
- 4.9. The operators should ensure as a minimum that:
 - a) the crew is acclimatised to the time zone of departure (home base);
 - b) the crew has been provided with meals and drinks for the entire rotation;
 - c) the in-flight rest period while in flight is taken during cruise phase of the flight by each flight crew member if the flight is performed with augmented crew.
- 4.10. The operator should ensure that the reporting time is adequate for the completion of ground duties, taking into account the type of flight, the aircraft type and the reporting airport conditions.

Ground duties include:

 - pre-flight duties (briefings; provision of documentation; commuting to the aircraft parking) and
 - pre-departure duties (on-board security checks; boarding; fuelling; loadsheet; aircrew briefing; pre-departure checklists).



5. Information

For the purpose of notification of exemptions, NCAs are invited to inform EASA of the granted exemptions through EASA Flexi tool.

6. Other applicability

With regard to CAT operators carrying out air taxi operations and aeroplane emergency medical services under Subpart Q of Regulation 3922/912, the NCA may use these Guidelines with the necessary adaptations.

For flights not falling under the scope of the Basic Regulation, the NCA may use these Guidelines with the necessary adaptations.

² Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4).

