



Aviation: pilots and crew

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This note covers licensing and hours of work for both pilots and other cabin crew following changes to the rules at European level. It does not cover industrial disputes.

The current rules for pilot and air crew licensing are incorporated into Parts 6, 7 and 8 of the *Air Navigation Order 2009* ([SI 2009/3015](#)). In 2012 new licensing arrangements, monitored by the European Aviation Safety Agency (EASA), come into force. New rules specifying Community-wide flying hours and rest periods for air crew were introduced by the *Civil Aviation (Working Time) Regulations 2004*.

New proposals that would increase pilots' flight time were published in December 2010.

Information on other aviation issues can be found on the [Aviation Topical Pages](#) of the Parliament website.

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1 Licensing

1.1 Current framework

The [Civil Aviation Authority \(CAA\)](#) Safety Regulation Group provides a comprehensive overview of both the commercial and the private pilot's licences.¹

International civil aviation is governed by the [1944 Chicago Convention](#), as amended. Under the Convention the [International Civil Aviation Organization \(ICAO\)](#) is responsible for setting the minimum international safety standards and recommended practises (SARPs). The Convention provides that if a contracting state is unable to implement a SARP it must notify a difference and endorse any certificate or license which does not meet the requirements of that SARP. Other contracting states then have the right to choose whether or not to recognise any certificate or licence with such an endorsement.

Within Europe, aviation safety standards were harmonised through [Joint Aviation Requirements \(JAR\)](#) agreed by the [Joint Aviation Authorities \(JAA\)](#), of which the UK Civil Aviation Authority (CAA) was a member. The JAA comprised 37 full member countries and six candidate members throughout Europe. All these countries were members of the [European Civil Aviation Conference \(ECAC\)](#) which itself comprises the governmental directors-general of civil aviation of 44 countries. Thirty-eight members of the JAA are also members of Eurocontrol, the European Organisation for the Safety of Air Navigation, which is also managing a programme to harmonise and integrate European air traffic control facilities on behalf of ECAC.²

On 30 June 2009 the JAA system was officially closed. The decision to dissolve the JAA system was taken by ECAC Directors General at their meeting on 19 March 2008 in the light of the further competence extension of the [European Aviation Safety Agency \(EASA\)](#). It was made on the basis of a report from an expert working group on the Future of JAA (FUJA II Working Group), considering all aspects related to the closing-down of the JAA.³ As a consequence of closing-down the JAA system, all JAR codes were frozen and JAA's guardianship of these codes ceased as of 30 June 2009.

The JAA's objectives were to ensure, through co-operation on regulation, common high levels of aviation safety within Member States and to contribute to fair and equal competition within those states. The JAA aimed to achieve a common standard of flight crew licensing amongst the JAA Member States and facilitate the mobility of flight crew between the states. As part of this process the JAA drew up harmonised requirements for pilot licensing. The JAA regulations for flight crew licensing, known as [JAR-FCL \(Aeroplanes\)](#) were adopted on 8 October 1996 and were implemented from 1 July 1999. The equivalents for helicopters, [JAR-FCL \(Helicopters\)](#), were adopted in 1997 and were implemented from 1 January 2000. There was also [JAR-FCL \(Medical\)](#) that also had an implementation date of 1 July 1999. Under JAA arrangements and EU [Regulation 3922/91/EEC](#) (as amended), the UK is obliged to implement JARs (Joint Aviation Requirements) once they have been adopted by the JAA.

The relevant UK legislation is Part 6 of the *Air Navigation Order 2009* ([SI 2009/3015](#)) ('the ANO'). There were transitional arrangements and the last issue of UK National Aeroplane Licences was on 30 June 2002 and UK National Helicopter Licences on 31 December 2002.

¹ CAA, [LASORS 2008](#)

² for more information on Eurocontrol, see HC Library Standard Note [SN/BT/3206](#)

³ JAA/ECAC, [Final report of the FUJA II working group](#), February 2008

The changes required by the JAR-FCL were incorporated into the ANO by the *Air Navigation (Fifth Amendment) Order 1999* ([SI 1999/2059](#)).⁴

The Order was not popular with pilots. Various points were raised by their representative organisations and in letters to Members of Parliament. One of the points most frequently made was that there was a lack of consultation. According to the Government, the CAA consulted aviation interests in producing the Regulatory Impact Assessment accompanying the Order, but the airline industry did not comment.⁵ The letter of 1 July 1999 from the CAA to various organisations had the following to say on the consultation exercise:

Although it is customary to carry out full public consultation before proposing major regulatory changes, we in the CAA concluded that the nature of JAR-FCL made such consultation on its technical content nugatory. We came to that view in light of two principal considerations. Firstly, the adoption of JAR-FCL by the JAA Member States had been preceded by full JAA consultation (known as “NPA”).

At the time, CAA Flight Crew Licensing Department ensured that UK industry generally was made aware of the consultation and facilitated comment by arranging purchase of the required JAR-FCL documentation at a reduced cost. For example, the NPA process for the draft of JAR-FCL 1, promulgated in early 1995, prompted some 1,481 comments from respondents from both within the JAA states and outside. UK involvement included comments from all the UK approved flying training organisations, organisations such as BALPA and GAMTA, individuals and the airlines through their international representative bodies.

Further consultation was undertaken before final adoption of the document by the JAA in 1996. The consultation mailing list included 400 addressees throughout the JAA states and wider afield. Of these, 143 were UK individuals, commercial and representative organisations. Responses were received from individuals and aviation organisations known to the CAA and included airlines, other AOC holders and aerial work undertakings, training schools, representative bodies including the trades unions, airfield operators and the aviation service sector. The Standing Advisory Committee on Pilot Licensing (...) was also kept fully informed on JAR-FCL proposals. Secondly, the UK is obliged by both EC Regulation 3922/91 and the JAA arrangements to implement JARs which have been adopted by the JAA.

Our view on full consultation was supported by The Department of the Environment Transport and Regions (DETR) but we agreed with the Department that industry should nevertheless have an opportunity to comment on the mechanistic changes to the law that would be necessary. A preliminary draft was therefore sent to the address list shown in Appendix 2 to the Attachment. This included, in accordance with UK Government policy, an assessment of the likely costs of the proposed legislative changes (Regulatory Impact Assessment (RIA)). Comments were received from 4 representative organisations and 12 others and have been taken into account in the final proposals for changes to the ANO set out in the Attachment (for convenience this includes a summary of the changes but which does not itself form part of the proposal). The RIA has been extended to take into account comments on those cost effects arising from the technical aspects of JAR-FCL not directly associated with or requiring legislative change. This includes, because the requirement for CAA to fully recover all its costs by charges on industry is unique to the UK, a commentary on changes to CAA

⁴ now Part 6 of the ANO 2009; the 1999 Order came into force on 1 September 1999 and was subject to the negative resolution procedure, it was prayed against and debated, see: [SC Deb \(DL\) 1 December 1999](#)

⁵ [HL Deb 7 June 1999, c139WA](#); see also [SC Deb \(DL\) 1 December 1999, c11](#)

FCL regulatory charges. A summary of all the comments received together with the CAA response has also been included.

Whilst the CAA appreciates that the degree of change called for by JAR-FCL is causing some concern as industry becomes more familiar with the detail, scope for change in response to comments is significantly constrained. The UK is not free to adopt unilaterally requirements or alternative means of compliance not found in JAR-FCL without risking the non-acceptance of licences by other JAA States or, more seriously, the failure to gain agreement from the JAA to the issue of any JAR-FCL licences by the CAA. Moreover, the nature and timing of necessary UK legal changes must fit into a complex overall implementation project which has of necessity been running for some two years and is well advanced. However as stated also in the RIA, the Authority would, wherever feasible, support industry if it brought forward for JAA consideration under the NPA procedure future cost-saving revisions to JAR-FCL.⁶

The other issue to come up was that of age. In the case of commercial pilot's licence holders, the ICAO set a maximum age of 60 for pilots in command and recommended an age limit of 60 for co-pilots. The JAA determined, however, that both pilots in command and co-pilots of a commercial aircraft can safely be licensed to the age of 65 provided that the other pilot is under 60. This is now set out in Schedule 7, Part A to the ANO 2009.

The Transport Committee published a report on passengers' experiences of air travel in July 2007. This looked only briefly at the licensing system for flight crew, but the Committee did take some evidence from unions concerned about the current arrangements.⁷ The Committee consequently raised the issue in their report.⁸

1.2 New EU-wide arrangements from 2012

EASA is the European Aviation Safety Agency. It was set up in 2003 as an independent EU body under European law. It is based in Cologne and employs 400 professional staff from all Member States. It was established to succeed the Joint Aviation Authorities (JAA), a voluntary body representing the civil aviation authorities of a number of European states, with the objective of co-ordinating safety regulation across Europe. EASA's budget and work programme is adopted by its Management Board, which is made up of representatives from the Member States and the European Commission. The agency's [responsibilities](#) include:

- expert advice to the EU for drafting new legislation;
- implementing and monitoring safety rules, including inspections in the Member States;
- type-certification of aircraft and components, as well as the approval of organisations involved in the design, manufacture and maintenance of aeronautical products;
- authorisation of third-country (non EU) operators; and
- safety analysis and research.

EASA was established under [Regulation 1592/2002/EC](#). A couple of years later the European Commission began work on extending the remit of EASA, including into the field of

⁶ CAA Safety Regulation Group Letter 10D/01/03, 1 July 1999; the Regulatory Impact Assessment was included as appendix 1

⁷ Transport Committee, [Passengers' Experiences of Air Travel](#) (eighth report of session 2006-07), HC 435, 26 July 2007, [Ev 167](#)

⁸ [ibid.](#), paras 142 -145

flight crew licensing. This culminated, in February 2008 with the adoption of [Regulation 216/2008/EC](#), generally referred to as the ‘Basic Regulation’. The Basic Regulation extends the remit of EASA to include the development of implementing rules in the fields of aircraft operations, personnel licensing and third country operations. All such rules must be in place and be applicable by no later than 8 April 2012. The Regulation extends the remit of EASA to include the development of implementing rules in the fields of aircraft operations, personnel licensing and third country operations. All such rules must be in place and be applicable by no later than 8 April 2012. To meet this timetable, EASA began consultation on its draft implementing rules in 2008. The main consultation paper gives a summary of the background to the proposed new rules and includes two supplementary papers which set out the qualifications in detail.⁹

Under EASA rules there will be no extra skills available unless one wishes to train as a full commercial pilot. [NPA 2008-17b](#) sets out the various types of licence. This includes Subpart C – the private pilot licence (PPL). Section 2 of Subpart C follows with specific requirements applicable to aeroplanes and contains provisions on the privileges granted by the licence (FCL.205.A) and on experience requirements and crediting (FCL210.A). They basically follow the requirements in JAR-FCL 1 and 2. [NPA 2008-17A](#) sets out the anticipated transitional protections and grandfather rights for those who currently hold a licence.

In November 2008 the CAA published a very straightforward [slideshow presentation](#) of the proposals. It was also reported in April 2009 that the CAA had criticised the EASA proposals and asked it to put back the April 2012 implementation date.¹⁰

2 Hours

2.1 Duty hours and fatigue

When drawing up the second aviation liberalisation package in 1989, the European Council and the Commission agreed that the Community Air Transport Policy had to address the harmonisation of the regulatory framework applicable to civil aviation in order both to maintain a high level of safety and to ensure fair competition in the internal market.¹¹ To achieve these goals, the Community adopted [Regulation 3922/91/EEC](#) with the aim of establishing and keeping up to date harmonised rules for the design, manufacture, operation and maintenance of aircraft, and for personnel and organisations involved in aviation. This Regulation also listed a number of the technical requirements (the JARs) so that these were given the force of law in the Community (see section 1.1., above).

The understanding was that when new JARs were produced by the JAA the Commission would consider how to transpose them into EU law and would make the necessary proposals to the European Council. In 1995 the JAA agreed a document which aimed to establish harmonised requirements for the operation of aircraft engaged in commercial air transport, called JAR-OPS 1. JAR-OPS 1 was examined by Commission services between 1995 and 1997. In particular, they looked at cabin crew safety requirements and duty time and rest requirements for crew. They concluded that the adoption of common rules in this area would fall within the scope of the 1991 Regulation, which dealt with aviation safety and the avoidance of distortion in the internal market. However rules to do with personnel also define

⁹ EASA, *Implementing Rules for Pilot Licensing*, NPA 2008-17A, -17B & -17C, June 2008

¹⁰ “UK CAA criticises EASA flight crew licensing proposals”, *Flight Global*, 8 April 2009

¹¹ for more information on the liberalisation of the European air transport market, see HC Library Standard Note [SN/BT/182](#)

the conditions to be met by undertakings in obtaining their air operator certificate, covered by [Regulation 2407/92/EC](#) on the licensing of Community carriers.

There were some difficulties when trying to transpose JAR-OPS 1 by just listing it in the annex of the 1991 Regulation, so the Commission opted for transposing the content of JAR-OPS 1 by adding a new annex instead. Attempts were made to make this change between 2000 and 2002 but nothing came of it. By September 2002 the European Parliament (EP) had adopted a resolution on flight duty and rest times, which specified the rules applicable to cumulative duty hours (duty periods to not exceed 190 duty hours in any 28 consecutive days and 60 duty hours in any seven consecutive days). There were reports in the press that pilots' organisations in the EU, including BALPA, thought that this was a proposal to increase crew flying hours.¹²

Finally, in December 2006 the EC adopted [Regulation 1899/2006/EC](#), which inserted new Annex III into the 1991 Regulation. Subpart Q of Annex III sets out flight and duty time limitations and rest requirements as follows:

1.1. Cumulative duty hours

An operator shall ensure that the total duty periods to which a crew member is assigned do not exceed:

- a) 190 duty hours in any 28 consecutive days, spread as evenly as practicable throughout this period; and
- b) 60 duty hours in any seven consecutive days.

1.2. Limit on total block times

An operator shall ensure that the total block times of the flights on which an individual crew member is assigned as an operating crew member does not exceed

- a) 900 block hours in a calendar year; or
- b) 100 block hours in any 28 consecutive days.

With various caveats and permitted extensions, the maximum daily flight time is also set down in subpart Q as 13 hours.

Effectively, with the adoption of Annex III, the non-binding JAR-OPS were transposed into a binding Community legislative act and are now generally called EU-OPS. These were, in turn, transposed into UK legislation in the ANO 2009.

Part 20, Articles 145 and 149 of the ANO 2009 state that every operator must establish "a scheme for the regulation of flight times for every person flying in that aircraft as a member of its crew". This is a long-standing provision that has appeared in previous versions of the ANO. CAP 371 on the avoidance of fatigue in air crews, was first published by the CAA in 1990.¹³ The aim of CAP 371 is described by the Department for Transport as follows:

In order to assist operators in the preparation of an appropriate scheme, the CAA has produced a guidance document known as CAP 371 setting out the basic framework for

¹² "New hours could kill, say pilots", *The Guardian*, 21 January 2003

¹³ CAA, CAP 371, *The Avoidance of Fatigue in Aircrews: Guide to requirements* (3rd ed.), effective 1 May 1990

the calculation of air crew duty hours. Given the need for CAA approval, the flight duty schemes of UK operators generally follow the terms of CAP 371.¹⁴

CAP 371 was last revised in 2001-02.¹⁵ The CAA stated that there was no conflict between CAP 371 and the then proposed changes to EU-OPS.¹⁶ In May 2003 the then Transport Minister stated that the Government would not endorse any EU proposal if it was significantly different from CAP 371.¹⁷ The [amended version of CAP 371](#) was published in January 2004 and is available on the CAA website.

2.2 Working Time

The background to the inclusion of civil aviation into European working time rules can be found in HC Library standard note [SN/BT/1377](#), available on the Parliament website.

The *Civil Aviation (Working Time) Regulations 2004 (SI 2004/756)* came into force in April 2004. The Regulations implemented into UK legislation the requirements of [Directive 2000/79/EC](#) (the 'Aviation Directive'). The Regulations cover:

- Wrongful disclosure of health assessments;
- Maximum annual working time for crew members;
- Health and safety protection for crew members;
- Rest breaks;
- Minimum number of rest days free from all duties; and
- Information on working patterns which must be kept for two years.

The legislation applies to UK public transport aircraft operations. More background is given in the Departmental Guidance to the Regulations:

These Regulations implement a European Directive (2000/79 EC) which gives effect to a Social Partners' Agreement ('the Agreement'). As a general principle it would not be appropriate for the Government to interpret or further define the Agreement. Where we offer guidance it is to facilitate the implementation of the Directive and to ensure compatibility with existing Regulations.

We stated in our consultation document of 29 November 2002 that working time provisions serve a different purpose from flight and duty time limitations and we would envisage keeping them separate where possible. The Regulations are therefore separate from the Air Navigation Order 2000. They are made under the European Communities Act 1972, which provides the legal powers normally used to implement European Directives into domestic UK law.

It is the employer who is responsible for ensuring that the worker receives the protection provided for by these Regulations. Employers will need to consider whether their working practices need to be changed in light of the rights conferred on their workers.

¹⁴ DfT, [Consultation on proposals for an amendment to the Civil Aviation \(Working Time\) Regulations 2004](#), January 2010, p6

¹⁵ CAA, [Second letter of consultation: proposal to amend the Air Navigation Order 2000 \(29/2002\)](#), December 2002

¹⁶ *ibid.*, attachment 1, page 1

¹⁷ [HC Deb 19 May 2003, c542W](#)

The Regulations apply to cabin and flight crew working on board civil aircraft flying for the purposes of public transport and employed by employers established in the United Kingdom. Notwithstanding the lack of clarity in the Directive, on legal advice we decided that the Directive could not apply to workers in the corporate aviation sector.

Flight or cabin crew working in corporate aviation and in the wider General Aviation sector are covered by Council Directive 93/104/EC (the 'horizontal' Working Time Directive), implemented in the UK through the Working Time Regulations 1998 (as amended).¹⁸

In January 2010 the DfT consulted on amending the provision of the Regulations that deals with standby time:

Following representations expressing concern over the way in which the current Regulations apportion standby duty against an individual's annual working time limit, we now propose to amend the Regulations so as to harmonise the treatment of standby duty in the Regulations with its treatment under the Civil Aviation Authority's existing aviation safety guidance, but without undermining the rights and protections created by the Directive.¹⁹

Amending Regulations were laid by the outgoing Labour Government in April 2010 and came into force on 28 June 2010.²⁰ They were laid under the negative procedure so no debate in Parliament was required.

2.3 Proposals for changes to the rules on pilots' flight time

On 20 December 2010 the [European Aviation Safety Agency](#) (EASA) published a new set of harmonised European rules on flight and duty time limitations and rest requirements for commercial air transport.²¹ These matters are governed by [EU Regulation 1899/2006](#) which allows 13 consecutive hours of flight time with the possibility of extending this limit by one hour twice a week. For night flights, maximum flight time is currently 11 hours and 45 minutes. These rules take precedence over general working time rules for the sector.

The EASA proposal involves an increase of these limits to 14 hours for daytime flights and 12 hours for night flights.²² The proposal is subject to consultation including trade unions and employer organisations. The European Cockpit Association (ECA) is opposed to the proposals, whilst the Association of European Airlines (AEA) supports them. The debate appears to represent a balance or trade-off between flight safety and crew numbers impacting on staffing costs for airlines. The AEA maintains that the ECA's concerns over safety are invalid and driven by self-interest.²³

EASA is directly involved in the rule-shaping process. It assists the Commission by preparing draft regulations as well as any subsequent amendments which are adopted as 'Opinions'. The Notice of Proposed Amendment (NPA) that was published in December 2010 is the first consultative stage of a legislative process toward a Comment Response Document due by May 2011. The final Opinion is due by October 2011.²⁴ Following the final Opinion, the EU

¹⁸ DfT, [Guidance on the Civil Aviation \(Working Time\) Regulations 2004](#), 21 December 2005; for Unite's criticism of the Regulations, see: op cit., [Passengers' Experiences of Air Travel](#), Ev 167

¹⁹ DfT, [Consultation on proposed amendment to the Civil Aviation Regulations 2004](#), 18 January 2010, summary the [Civil Aviation \(Working Time\) \(Amendment\) Regulations 2010 \(SI 2010/1226\)](#)

²¹ EASA Press release, [EASA proposes a new set of harmonised European rules to avoid crew fatigue](#), 20 December 2010

²² EASA, [NOTICE OF PROPOSED AMENDMENT \(NPA\) NO 2010-14A](#), 20 December 2010

²³ Euro politics, No. 4109, [Flight time divides airlines and unions](#), 22 December 2010

²⁴ EASA,

Commission, Member States and EU Parliament will then have the opportunity to further revise the proposals under the “comitology” process. The proposals will not reach the European Parliament in the near future. When they do, it is likely that they will be considered in either the Transport or Employment and Social Affairs committees. It is expected that the revised rules will enter into force by autumn 2012. The effective application of the rules to flight time limits is expected in late 2014.²⁵ The consultation arrangements are set out in the NPA as follows:

6. To achieve optimal consultation, the Agency is publishing the draft opinion and draft decision of the Executive Director on its internet site. Comments should be provided within 3 months in accordance with Article 6(5) of the Rulemaking Procedure. Comments on this proposal should be submitted by one of the following methods:

CRT: Send your comments using the Comment-Response Tool (CRT) available at <http://hub.easa.europa.eu/crt/>

E-mail: Only in case the use of CRT is prevented by technical problems these should be reported to the CRT webmaster and comments sent by email to NPA@easa.europa.eu.

Correspondence: If you do not have access to internet or e-mail you can send your comments by mail to:

Process Support, Rulemaking Directorate, EASA, Postfach 10 12 53, D-50452, Cologne, Germany

Comments should be received by the Agency before 20 March 2011. If received after this deadline they might not be taken into account.

The NPA also explains how responses will be incorporated into a comment response document:

All comments received in time will be responded to using a comment response summary table (CRST), which includes in a single document a summary of comments received, the Agency responses and the amended text, where relevant. This table will be incorporated in a comment response document (CRD) and will be available on the Agency’s website and in the Comment-Response Tool (CRT).

The legislative process, starting with the NPA, was preceded by a scientific and medical evaluation, published in January 2009, which was compiled by Moebus Aviation.²⁶ The NPA describes this as follows:

The FTL requirements laid down in Subpart Q of EU-OPS, and applicable to commercial air transport with aeroplanes, are the result of long-lasting negotiations based on operational experience. Therefore, the European Parliament and the Council when adopting Regulation (EC) No 1899/2006 specifically requested EASA to conduct a scientific and medical evaluation of Subpart Q [ref. Regulation (EC) No 3922/91 new Article 8(a)] and assist the Commission in the preparation of regulatory proposals, if required

The European Cockpit Association (ECA) describes the issues surrounding flight time limitations as follows:

²⁵ ECA, [EASA's Future FTL Rules \(NPA\)](#)

²⁶ Moebus Aviation, [Final Report, Scientific and Medical Evaluation of Flight Time Limitations](#), 30 September 2008

What is the issue?

Flight and Duty Time Limitations (FTL) are necessary to ensure that pilot fatigue does not endanger flight safety. Since the 1944 Chicago Convention, it is recognised that pilot fatigue (due to long duty hours, insufficient rest/sleep opportunities etc.) can pose a risk to the safety of air operations. Within the EU, this risk is addressed at two levels. Firstly, by EU-wide binding FTL rules (enshrined in Reg. 1899/2006, Annex III, Subpart Q). Secondly, at company level, among others by sound rostering practices, Collective Labour Agreements, and/or Fatigue Risk Management Systems (FRMS).

How is ECA involved?

ECA has been a long-standing supporter of harmonised FTL across the EU. Harmonisation at the highest, scientifically derived safety level will help to create a level playing field within the EU. For more than a decade, ECA has contributed to the development of Subpart Q, which is mandatory across Europe since July 2008. Apart from interacting with the EU Commission and Parliament on related issues (incl. derogation requests of EU States), ECA works with EASA on the next generation of EASA FTL rules. ECA also monitors national implementation of FTL rules, scientific fatigue research as well as the development of FRMS at company level.

Why is the issue important to ECA?

Due to increasing competitive pressures in aviation, many companies use their flight crews more intensively. To ensure that this does not result in pilot fatigue, strong FTL rules must be in place and be applied effectively. Any attempts to interpret and apply the rules in a way that compromises safety must be prevented. Regrettably, several EU countries used the introduction of Subpart Q as a pretext for replacing their higher national safety standards by the lower EU minimum. Pilots must be vigilant that such safety regression does not become the norm in Europe.²⁷

The ECA point to the fact that the scientific and medical evaluation stated that existing flight times are too long and should be reduced.

On 22 January 2009, EASA officially published the results of the scientific study. As expected, the study identifies a number of legal provisions in Subpart Q that need improvement to ensure adequate levels of flight safety (details see below). Having identified a number of factors that increase pilot fatigue - thereby potentially reducing flight safety - the study states that "some of the present [EU-OPS] rules or proposed modifications of rules are in violation with one or more of these factors."

The study points out "problems" e.g. in the area of a large number of pilots' duty hours in a short time, long duty hours, night duty, early starts of duty, time-zone crossing, and standby duty. Based on their assessment, the scientists conclude, e.g. that:

- The currently allowed maximum daily flight duty period of 13-14 hours "exceeds reasonable limits" and is "not in keeping with the body of scientific evidence"; it should therefore be reduced;
- The currently allowed maximum of 11:45 hours night duty should be reduced to 10 hours, because of the particularly fatiguing nature of work at night;
- The currently allowed practice of 3 consecutive 60-hour weeks (i.e. 180 duty hours in 21 days) needs to be changed by setting an additional limit of 100

²⁷ ECA, [Flight Time Limitations](#)

duty hours within 14 consecutive days (i.e. an average of 50 hours/week, instead of 60);

- The currently allowed practice of "advancing" the end of the pilots' weekly rest - which allows a start of duty as early as 04:00 in the morning - is "unacceptable" as "it would result in aircrew starting their week [...] in a fatigued state"; hence this practice should not be allowed;
- Stand-by at the airport is as fatiguing as flight duty, and should therefore not be considered as "rest" but normally "count 100% as flight duty when calculating the maximum flight duty period."²⁸

The Association of European Airlines (AEA) representing the interests of employers issued a press release in October 2009 which challenged the scientific and medical evaluation:

The Association of European Airlines, representing Europe's most important network carriers, has rejected claims by pilot unions that the rules governing flight duty and rest time which currently apply in Europe are unsafe. At present, Flight Time Limitation rules are covered by EU legislation. The provisions are clear and reflect the specificities of individual States, as well as the different types of operation. As such, they have delivered a level of safety of which Europe can be justifiably proud. This approach has been challenged by the pilot unions who claim that passengers' safety is at risk because of potential pilot fatigue.

"The unions refer to a study to justify a reduction of daily and weekly working time. The study's methodology has been questioned, and in fact it flies in the face of empirical experience. European airlines are extremely safe. It is simply untrue to claim they are not", said AEA Secretary General Ulrich Schulte-Strathaus. "The unions are raising a safety issue as a means of promoting their own interests. Unions want pilots that are flying safely today, to fly less tomorrow, so that more pilots would be needed to do the same amount of flying, promotion from First Officer to Captain would be accelerated, and the unions would end up with more members, and more membership fees".

The argument is not about safety, said Mr Schulte-Strathaus; "It is a social affairs issue. To imply that EASA, the European Safety Agency, is inactive, is absurd. EASA is of course involved in an evaluation of the current provisions. But EASA is not, and should not, be involved in social matters". European airline passengers should be reassured that they fly under flight time rules which are demonstrably safe, he said.²⁹

²⁸ ECA, [Scientific Study Results](#)

²⁹ AEA, [Pilot unions' 'fatigue' claims are pure self-interest, says AEA](#), 7 October 2009