


OPERATIONS ADVISORY NOTICE (OAN)		 Transport Malta Civil Aviation Directorate Flight Operations Inspectorate Civil Aviation Avenue Luqa LQA 9023 Malta
OAN Number: 03/15	Issue Date: 16th June 2015	
Subject: Implementation of Reg (EU) 83/2014 (Subpart FTL)		

1.0 Introduction

Commission Regulation (EU) No. 83/2014 establishes the requirements to be met by an operator and its crew members with regards to flight and duty time limitations and rest requirements for crew members. The regulation and the related Certification Specifications will be referred to as Subpart FTL.

This OAN provides transition and implementation guidelines to affected CAT operators as intended by the regulation.

Subpart FTL shall enter into force as from the 18th of February 2016. Any Member State may opt-out from the provisions of ORO.FTL.205 (e) for another 12 months; however TM-CAD will **not use** such an opt-out. Thus all the provisions of Subpart FTL will be applicable as from 18/02/16.

2.0 Applicability

Article 8 of the Cover Regulation, stipulates that Subpart FTL will be applicable to all CAT operations with aeroplanes with the exception of:

- Air Taxi; (*'Air taxi operation' means, for the purpose of flight time and duty time limitations, a non-scheduled on demand commercial air transport operation with an aeroplane with a maximum operational passenger seating configuration ('MOPSC') of 19 or less.*)
- Emergency medical service; and
- Single pilot CAT operations by aeroplanes

The above types of operation shall be still subject to the provisions of Subpart Q (where applicable).

3.0 Action by TM-CAD (Disruptive Schedule)

ARO.OPS.235 requires all competent authorities to determine in accordance with the definitions of 'early type' and "late type" of disruptive schedules in point ORO.FTL.105, which of those two types shall apply to all CAT operators under its oversight.

TM-CAD has determined that all CAT operators under its oversight shall apply the **'early type'** disruptive schedules for their home bases.

The effectiveness of the provisions above shall be reviewed by EASA no later than 18 February 2019 a first report on the results of this review shall be made available.

4.0 Transition Plan

All affected operators are required to form and implement a transition plan using the established procedures available by the management system. TM-CAD expects to see a formal management of change and a safety risk assessment process during the initial review.

This together with the initial draft of the OM Part A Section 7 shall be provided to the Flight Operations Inspectorate by not later than 30th October 2015.

To aid the submission and compilation of the manual, a compliance checklist will be circulated to all operators. The appropriate references shall be filled in. The assigned inspector will use the same checklist to conduct the desktop review and any other on-site inspection as may be required.

5.0 Fatigue Risk Management (FRM)

FRM is not a mandatory element to comply with Subpart FTL. FRM is mandatory in specific cases, namely –

- Application for an individual FTL scheme as per provisions of Article 22. (Such schemes shall be subject to approval of both TM-CAD and EASA).
- Application of FDP values in Table 4 of ORO.FTL.205 (b)(3).
- Application of FRM to actively manage the fatiguing effect of night duties of more than 10hours in relation to the surrounding duties and rest periods. CS FTL.1.205 (a)(2).
- Reduced rest in accordance with CS FTL.1.235 (c).

5.1 FRM and Management System

The assessment of fatigue shall be an integral part of the management system. Any operator shall make available all means and facilities for crew members to submit fatigue related reports. The reporting system should encourage all concerned personnel to report any fatigue related events. This should also form part of the hazard identification and mitigating processes.

FRM stems from a mature SMS system, and should include the need for a safety case. Any operators wishing to introduce any elements of FRM, shall do so after the transition to Subpart FTL has been complete. TM-CAD advises to comply and implement effectively the prescriptive portions of the same Subpart before considering FRM implementation.

5.2 FRM training

Initial and recurrent FRM training is compulsory for CAT operators even those complying only with the prescriptive FTL. Training should be provided not only to crew members, but also to other personnel involved in crew scheduling. The syllabus to include all training elements is found in AMC1 ORO.FTL.250.

All operators are requested to establish the frequency and methods of how recurrent training is embedded into other recurrent training or otherwise. This shall be described in the Operations Manual.

5.3 *Other Resources*

Hereunder you may find some useful links which provide further guidance on FRM implementation;

<http://www.icao.int/safety/fatiguemanagement/Pages/Resources.aspx#FMGM>

<http://www.iata.org/publications/Pages/frms.aspx>

6.0 **Conclusion**

All affected operators should contact the Flight Operations Inspectorate for further details as required. The Compliance Checklist will be published on TM website shortly.

Any queries should be sent on airops.tm@transport.gov.mt.

Flight Operations Inspectorate