


<b>OPERATIONS ADVISORY NOTICE (OAN)</b>		 <b>Transport Malta</b> Civil Aviation Directorate Flight Operations Inspectorate Transport Malta Centre Triq Pantar Lija LJA 2021 Malta
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<b>Subject: Information regarding FTL Exemptions during Covid-19 outbreak</b>		

## 1.0 INTRODUCTION

The purpose of this document is to outline the process for operators who seek a temporary exemption from some flight and duty time limitations due to constraints imposed by the Covid-19 outbreak. **The basis of this OAN is [EASA published Guidelines](#).**

### 1.1 Revision Summary

**Rev 1 – Added reference to updated EASA Guidelines Issue No. 2 and amended procedures.**

## 2.0 SCOPE OF EXEMPTIONS

TM-CAD will consider the granting of exemptions in accordance with the flexibility provisions set out by Article 71(1) of the Basic Regulation, from certain requirements of Part-FTL of Regulation 965/2012 and EU-OPS Subpart Q respectively. The basis of exemptions will be limited to the following:

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

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.

Exemptions from FTL requirements will be granted for specific flights only when no other solutions are available. The operator shall demonstrate in such cases.

### 3.0 RISK ASSESSMENT

Operators shall develop and provide the authority with a risk assessment to determine the probability and potential severity of fatigue-related risks, including the below elements:

- a) The risk assessment should identify the hazards related to crew fatigue depending on the potential scenario or combination thereof (a non-exhaustive list of scenarios is provided in Table 2 of the Annex to these [Guidelines](#)) and provide appropriate mitigations measures to reduce the consequences of the identified hazards as far as possible (a nonexhaustive list of various mitigation measures is provided in Table 3, of the EASA [Guidelines](#)).
- b) The operator should identify and implement other mitigations, when not listed in the Annex, following its operation specific risk assessment.
- c) The risk assessment should also consider the cumulative effect of other relevant exemptions/alleviations, if any.
- d) The operator should carry out enhanced monitoring and analysis of FDM, ASR/MORs and crew fatigue reports generated during exempted operations, in order to have a better understanding of the impact on crew fatigue. Action has to be taken to address any issues identified by this exercise without delay.

The flight operations inspectorate will assess each safety risk assessment and may suggest other options to be reviewed if additional scenarios as deemed appropriate.

### 4.0 INSPECTORATE AREA(S) OF FOCUS

Operators are being provided the below guidelines to ensure all submissions are commensurate and include the following elements;

- a) Extended FDP without augmented crew should be avoided as much as practicable.
- b) Priority will be given to aircraft with Class 1 resting facilities for the purpose of extended FDPs. For aircraft that are not equipped with in-flight rest facilities Class 1, the operator must 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.

- c) For air taxi operators the facilities referred herein are those described in OSC 08/08 (*i.e. "must be a comfortable reclining seat or bunk for the crew members resting that is separated from the flight deck and passengers."*).
- d) For augmented crew operations with double crew, one of which is positioning, the inspectorate will assess whether the minimum rest of the relieving crew is commensurate to the duration of the following active duty.
- e) The operator must 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.
- f) In particular, for any extended FDP of up to 24 hours (including or not an 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.
- g) 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.
- h) 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 must be ensured.
- i) For the reduced rest arrangements the operator will be exempted from the requirement to have an FRM, and priority will be given to the risk assessment outline on page 2 and fatigue mitigation measures related to reduced rest.
- j) Operators must ensure as a minimum that:
  - the crew are acclimatised to the time zone of departure (home base);
  - the crew have been provided with **suitable** meals and drinks for the entire rotation **and appropriate time of day**;
  - if the flight is performed with an augmented crew, the in-flight rest period must be taken during the cruise phase of the flight by each flight crew member.
- k) **Operators should avoid the use of commander's discretion to further extend an FDP and/or further reduce a rest period at outstation, beyond the exemption request. The operator's risk assessment under point 3 of this OAN and [Guidelines](#) should account for all possible delays and plan contingency measures in order to minimize the need for further extensions and/or reductions.**

## 5.0 ACTION BY OPERATORS

Any operators wishing to apply for an exemption is to contact the flight operations inspectorate in writing and provide the following:

- Description and scope of exemption being requested;
- Clear evidence, that the operator has exhausted all other possibilities;
- Adequate risk assessments, including mitigation to minimize risk of contagion;
- Documentary evidence to show that the requirements set out in this OAN are fully met.

*The notification shall make clear references to provisions in the regulation for which an exemption is being requested.*

## 6.0 EXEMPTION GRANT

The flight operations inspectorate will grant the exemption in writing. The prevailing conditions leading to the requirement will need to demonstrated by the operator upon request. The inspectorate reserves the right of access to all pertaining documentation for the purpose of oversight of granted exemptions. Such documentation is expected to be available in a timely manner. Failure to provide evidence and/or need, may lead to revocation or refusal to grant FTL exemptions.

**Flight Operations Inspectorate**