

Dear

Thank you for your enquiry.

Your Rulemaking enquiry ref:#----- has been received and forwarded to the Safety Management department/section.

This is an automatically generated reply, please do not respond to this email.

It is our aim to promptly provide you with a response.

Regards,

European Aviation Safety Agency

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Domain	Safety Management
Subject of the inquiry	Question regarding Regulation (EU) 216/2008 part Q FTL EUOPS 1.1120 and EUOPS 1.1105.2 Commander has the discretion, in case of unforeseen circumstances in actual flight operations, to modify flight duty periods or rest periods, complying with all prescriptions of OPS 1.1120

Commander's judgment and discretion grant passengers adequate safety requirements against crew fatigue.

Modification of either FDP or rest period has not to be taken for granted and Commanders are requested to give written explanation to Operators and Authorities if such decision to extend flight duty period, or to reduce minimum prescribed rest, is taken.

The maximum increment to a daily flight duty period cannot be more than two hours for a non augmented flight crew.

Some Operators assume that the maximum basic daily FDP is 14 hrs, regardless the kind of operation crews are involved in;

13 hrs as for OPS 1.1105.1, plus one extra hour assuming that OPS 1.1105.2 always allows such a chance, even when crews could be relieved at home base or adequate rest facilities are available on board for augmented crew operations.

Operators mark as "critical" all those rotations with a daily flight duty period equal to the maximum daily flight duty period minus 1 hour for short haul flights and till 1hr 30 mins for long haul flights, where Commander possibility to use his/her discretion is higher.

These rotations are highlighted as "extendable" on a parallel roster. Crews are in this way coerced to extend their flight duty period by one hour beyond the maximum daily flight duty period (EUOPS 1.1105 paragraph. 1).

According to Operators point of view, one of the two discretionary "extra" hours is always due, on the assumption that EUOPS 1.1105 paragraph 2 allows Operators to plan one hour extension beyond the maximum daily flight duty period twice in seven consecutive days.

This is done also on all long haul trans oceanic flight with minimum crew on board. Even if the total flight duty period is well inside the maximum daily limit, this flight is highlighted as "extendable"

e.g: FCO - JFK 11.35 hrs FDP Vs 13 hrs maximum daily FDP limit.

This flight is within the "extendable" list which make the crew to go till the 14th hours of FDP, even in case of in flight diversion, without having Commander discretion used and the crew interviewed.

If any crew member feels as fatigued and close to exceed the maximum daily flight duty period for certain, on a repetitive in-out home base series of flights, he/she is required to justify if, beyond the maximum daily duty period, feels fatigued.

This appears to be against the rule which require Commanders to give written explanation to motivate the reason of such an extension! (ref. OPS 1.1120 paragraph 1.3.1).

FIT CISL believes that rotations cannot be considered as automatically "extendable" and that "extended" FDP, as for OPS 1.1105.2, should be rostered ONLY when no other chance is available to schedule flights within maximum daily FDP, either for not augmented than augmented crews.

According to FIT CISL, "extendable" rotations appear as illegal, as well as the one extra "buffer" hour, over maximum daily duty period, that crews are coerced to do.

We kindly request to know if such Operator's interpretation of the rule is in accordance with the EUOPS safety requirements.

Best regards.