

	<b>OPERATIONAL DIRECTIVE</b>	
	<b>O.D. N° 1/2019</b>	<b>Issue date: 05/04/2019</b>
<b>Subject:</b>	Flight and duty time limitations and rest requirements for crew members employed in HEMS and SPO-HR operations.	
<b>Applicability:</b>	<b>All Air Operators who carry out on the Italian national territory flight operations for Emergency Medical Service with helicopters (HEMS) and High Risk Specialised Operations (SPO HR) with helicopters and airplanes.</b>	
<b>Date of entry into force and applicability:</b>	08 April 2019	
<b>Reference Documentation:</b>	<ol style="list-style-type: none"> <li>1. Regulation (EU) n. 2018/1139, art.70</li> <li>2. Regulation (EU) n.965/2012, art. 8</li> <li>3. Regulation (EU) n.965/2012, ARO.GEN.135</li> <li>4. ICAO Annex 6</li> <li>5. ENAC Regulation: "<i>Regolamento sull'impiego, sui limiti dei tempi di volo e di servizio e requisiti di riposo per l'equipaggio di condotta degli elicotteri adibiti al trasporto aereo di passeggeri per collegamenti con piattaforme petrolifere, per servizio medico di emergenza e per attività di ricerca e soccorso in montagna</i>"</li> <li>6. ENAC Regulation: "<i>Requisiti relativi alle operazioni aeree antincendio nonché ad aspetti delle operazioni specializzate e non commerciali non compresi nel Regolamento (UE) 965/2012</i>"- Annex 1.</li> </ol>	
<b>Descrizione:</b>	<p>Flight and duty time limitations and rest requirements for crew members ("FTL" rules) are essential elements of aeronautical regulation and are established and enforced in order to ensure safety of flight operations.</p> <p>Scientific studies demonstrated that flight crew fatigue is a recurrent cause of flight incidents and accidents, especially during those flight operations requiring high specialization and focus or where the use of a single pilot is frequent.</p> <p>Pending the completion of the FTL regulation for all kind of flight operations by EASA and the European Commission, today the applicable rules for flight crews involved in HEMS operations and SPO HR are issued at national level.</p> <p>In Italy the following ENAC Regulations are applicable:</p> <p>-"<i>Regolamento sull'impiego, sui limiti dei tempi di volo e di servizio e requisiti di riposo per l'equipaggio di condotta degli elicotteri adibiti al trasporto aereo di passeggeri per collegamenti con piattaforme petrolifere, per servizio medico di emergenza e per attività di ricerca e soccorso in montagna</i>"</p> <p>-"<i>Requisiti relativi alle operazioni aeree antincendio nonché ad aspetti delle operazioni specializzate e non commerciali non compresi nel Regolamento (UE) 965/2012</i>".</p> <p>As regard flight and duty time limitations and rest requirements, since 13 March 2018, the Reg. (EU) n. 2018/394 has amended the art.8 of Reg. 965/2012, introducing at points 3 and 4 the principle by which all CAT operations with helicopters (including HEMS), non-commercial operations, including non-commercial specialised operations with complex motor-powered airplanes and helicopters, as well as commercial specialised operations(SPO) with airplanes and helicopters shall comply with the requirements</p>	

specified in the national law of the Member State in which the operator has its principal place of business, or, where the operator has no principal place of business, the place where the operator is established or resides.

Following the introduction of this principle, applicable from 8 April 2019, on ENAC initiative, EASA has carried out a survey in order to verify the national law requirements as regard FTL limitations for the operations mentioned in points 3 and 4 of the new Art.8. for each Member State.

It should be taken in considerations that, although ICAO Annex 6 requires all members to establish FTL regulation for CAT operations, this constraint does not extend to activities that are defined as SPO or HEMS within the EU.

EASA survey showed that some Member States have far less restrictive norms with respect to ENACI requirements or have not developed any legislation on the matter, relying on general social rules related to the limitation of work periods that do not necessarily apply to flight activities performed in foreign countries.

Taking into account this situation, ENAC believes that in the absence of further action, there will be an unacceptable risk for the overflown population and territory, as well as for the people on board the aircraft, both in the case of HEMS operations, which include the transport of patients or injured persons who do not choose the aircraft operator, both in case of SPO HR operations which are by themselves, by definition, high risk.

Therefore, from the above, in accordance with Art.70 of Reg.(EU) n.2018/1139 (*Safeguard provisions*), Implementing Rule ARO.GEN.135 (*Immediate reaction to a safety problem*) and ENAC procedures, in order to limit the risks due to absent or inhomogeneous FTL regulations and to guarantee uniformity and harmonization in the safety regulation, ENAC requires that Air Operators of any country that intend to establish an operational base in Italy in order to perform HEMS activities or a SPO HR home base in accordance with point 5 of Annex I of the relevant ENAC Regulation (ref. 6), shall comply as a minimum with the requirements specified in the ENAC regulations regarding flight and duty time limitations and rest requirements.

Accordingly, the following ENAC regulations become binding for all Operators who intend to carry out HEMS and SPO HR operations on the Italian national territory as specified above:

- HEMS: "*Regolamento sull'impiego, sui limiti dei tempi di volo e di servizio e requisiti di riposo per l'equipaggio di condotta degli elicotteri adibiti al trasporto aereo di passeggeri per collegamenti con piattaforme petrolifere, per servizio medico di emergenza e per attività di ricerca e soccorso in montagna*" – Ed.2, amendment. 1, 24 March 2017;

- SPO HR: annex 1 "*Limiti dei tempi di volo e di servizio e requisiti sui tempi di riposo per i membri di equipaggi di condotta impiegati in operazioni specializzate commerciali (SPO) ed antincendio.*" of Regulation "*Requisiti relativi alle operazioni aeree antincendio nonché ad aspetti delle operazioni specializzate e non commerciali non compresi nel Regolamento (UE) 965/2012*" – Ed.1, 17 November 2017.