

	OPERATIONAL DIRECTIVE	
	O.D. N° 2/2019	Issue date: 19/06/2019
Subject:	Flight and duty time limitations and rest requirements for crew members employed in HEMS and SPO-HR operations.	
Applicability:	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.	
Date of entry into force and applicability:	19 June 2019	
Reference Documentation:	<ol style="list-style-type: none"> 1. Regulation (EU) n. 2018/1139, art.70 2. Regulation (EU) n.965/2012, art. 8 3. Regulation (EU) n.965/2012, ARO.GEN.135 4. ICAO Annex 6 <p style="margin-left: 40px;">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></p> <ol style="list-style-type: none"> 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"- Annex 1.</i> 	
Reason:	<p>Flight and duty time limitations and rest requirements for crew members ("FTL") are essential elements of aeronautical regulation and are established and enforced in order to ensure safety of flight operations.</p> <p>On 8 April 2019 , a new art.8 of Reg. 965/2012, as amended by Reg. (EU) n. 2018/394, has become applicable.</p> <p>The new art 8 states that, for 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</p>	

operations(SPO) with airplanes and helicopters, the applicable Flight Time Limitations are those specified in the national law of the State of Operator (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).

Since 2014 the previous version of Art 8 had made reference only to the “applicable national FTL legislation”. In Italy such version had been interpreted so that the State of Operation legislation was to apply, allowing the Country of operation to enforce its FTL requirements.

In Italy the following ENAC Regulations are applicable:

-“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”

-"Requisiti relativi alle operazioni aeree antincendio nonché ad aspetti delle operazioni specializzate e non commerciali non compresi nel Regolamento (UE) 965/2012".

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.

EASA survey showed that some Member States have far less restrictive requirements with respect to the Italian ones or have not developed any legislation at all , relying often on general social rules that do not necessarily apply to flight activities performed in foreign countries.

On the applicability date of Reg. (UE) n. 2018/394, ENAC issued the Operational Directive OD n. 1/2019, in accordance with Art.70 of Reg.(EU) n.2018/1139, as safeguard measure, to address the situation.

Such measure was applicable only for those operations which are not covered by ICAO standards, are more critical from third parties perspective (HEMS, High Risk (HR) and with significant exposure (base in Italy).

On May, 3 2019 EASA issued recommendation n. 700-19-0017-IT arguing against the compliance of the OD n. 1/2019 with Art. 70 (1) of Regulation (EU) No 2018/1139.

Following that EASA recommendation ENAC reviewed the issue to provide more evidence of the safety risks and to improve

	<p>proportionality of the measures.</p> <p>This OD is applicable from the date of publication and replaces OD n. 1/2019</p>
Required actions:	<p>The Italian Civil Aviation Authority, ENAC, by derogation of Reg. (EU) No 965/2012, art. 8.3 and 8.4, prescribes, that the relevant Flight Time Limitations specified in the following ENAC Regulations:</p> <p>a) HEMS: <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> – Ed.2, amendment. 1, 24 march 2017;</p> <p>b) SPO HR: Annex 1 <i>“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.”</i> of 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> – Ed.1, 17 november 2017,</p> <p>are applicable to HEMS and SPO HR operations conducted in Italian airspace by any operator that:</p> <ol style="list-style-type: none">1. has established in Italy an HEMS operating base or a SPO home base (see point 5 of Annex I of Ref.6 for definition of home base), and2. is not subject to FTL requirements specified under the national law of the State of Operator or such requirements are in whole or in part less restrictive than those specified in the previous points a) and b). <p>Note 1: requests of information and clarification about this OD may be addressed to ENAC, Foreign Operators Unit, foreign.operators@enac.gov.it .</p> <p>Note 2: Histograms generated on the basis of the EASA survey are available in the Repository (ref. art. 74 of Reg. EU 2018/1139) to allow preliminary comparison of principal FTL elements between Italian and other MS requirements.</p>