
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the provisions of Council Directive [2000/79/EC](#) concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Worker's Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA) (OJ L 302, 1.12.2000, p. 57).

Regulations 5(2), 6, 7(2)(a) and 8 to 10 in these Regulations impose obligations enforceable by the Civil Aviation Authority; failure to comply is an offence. The obligations concern the wrongful disclosure of a health assessment, the maximum annual working time of crew members, the provision or crew members of adequate health and safety protection services and facilities at work along with adequate rest breaks to be given to crew members where work is organised in a certain pattern. Crew members are also entitled to a minimum number of rest days, free from all duties, in every calendar month and year and employers are obliged to provide information on the working patterns of crew members which must be kept for not less than two years. The term crew member is defined in regulation 3.

Regulations 4, 5(1), (4) and 7(1) and (2)(b) confer rights on crew members, enforceable by proceedings before employment tribunals. The rights establish a crew members' entitlement to annual leave, a free health assessment prior to starting work and at regular intervals thereafter as well as the right to be moved from night work to more suitable work if that assessment reveals health problems due to working at night. Employers are also obliged to consider adapting a crew member's work and offering him alternative work if he organises work according to a certain pattern.

The remaining regulations make provision for definitions, for medical practitioners to advise employers where an employee is suffering from health problems, for enforcement and remedies (regulations 3, 5(3), 11 to 18).

A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department for Transport's website which is at www.dft.gov.uk.

A transposition note has been prepared and copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR.