



All IFALDA Members and Friends

February/March , 2017

From the Editor

This is the sixth edition of "FLIGHT DISPATCHER'S WORLD" (FDW). ***Since February was such a short month, it managed to get away from me before I had a chance to finish this edition so this will be the February/March Edition.*** FDW is meant to inform our membership and other friends of IFALDA of our current efforts in the global flight dispatcher and flight operations officer community. Articles are intended to be the basis for professional conversations and to solicit input from our membership.

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We are going to cover several issues in this edition as well as a status update on current projects. We'll talk about dispatcher access to the jumpseat on foreign operators coming into and out of the U.S., several recent U.S. FAA legal opinions involving dispatch, EDTO, flight dispatcher courses, OpSpecs and our proposed website facelift.
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Jan Hoehne – VP East

First, an update on Jan Hoehne: Jan had his surgery in late January and has started his chemotherapy. He sent us a note on February 11 and he seemed very upbeat. He has several months of therapy and recovery time ahead of him and will do the best he can to keep up with us; unfortunately, he will not be able to attend the AGM in Buenos Aires in May. Jan has informed us that he will not seek another term as VP-East...at least not until he fully recovers his health. I know he would appreciate hearing from his old IFALDA friends and colleagues. He can be contacted via email at jan.hoehne@icloud.com.

Great News From APADA

On March 6 we received some great news from Marcelo Sana, our Director – South America. The dispatchers in Argentina, through the efforts of APADA our Argentina Dispatcher Member Association have gotten the Argentine National Council of Aeronautics and Space to recognize the Argentina Flight Dispatchers license as a Registered Professional License within the Council.

Having a State recognized professional license is the highest pinnacle in our profession and we are all proud of the efforts of APADA!

On behalf of the IFALDA Board, in addition to congratulating APADA, I sent the following message to APADA:

"A State recognized professional license means several things...

- *It means the license has been earned through training, qualification and competency*
- *It allows one to do things that others without the license are not allowed to do.*
- *The dispatcher is accountable not only to the company but also to the licensing authority, in the public interest.*
- *If the dispatcher does do something contrary to the requirements of the licensing authority, the license can be suspended or revoked, also in the public interest.*

A professional license is a huge public trust and should be respected by both the public and by the license-holder.

You have made the international dispatcher community proud!"
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Riding the jumpseat into the U.S. on a non-U.S. airline

One of our IFALDA members from Germany advised that he was having difficulty getting jumpseat access on his airline on flights from Germany to the U.S. He advised us that the LBA (Luftfahrt-Bundesamt...the German Civil Aviation Authority) informed his operator that dispatcher access to the cockpit jumpseat was not permitted under 14 CFR 129.28, which only permits cockpit access into and out of the U.S. on foreign carriers for crewmembers, CAA officials and others who have oversight responsibility on the operator. This appears contrary to ICAO Annex 6 Part 1 Chapter 10.3 which includes dispatcher cockpit access to/from cities they regularly exercise their dispatch authority as a requirement to be qualified as a dispatcher.

IFALDA has contacted the U.S. FAA Associate Chief Counsel International Affairs and Legal Policy staff for an explanation and interpretation since this is a Standard to which States must comply unless they have filed a difference. The U.S. has not filed a difference regarding dispatcher cockpit access. This is the first instance we are aware of in which this has become an issue. The regulation itself was put in place after the events of 9/11 in reaction to cockpit security issues. We do not believe the intent was to deny dispatchers access to the cockpit but rather to limit access in general.

We will keep you informed regarding the issue.

U.S. FAA Legal Opinions and Interpretations

I have selected two recent U.S. FAA legal opinions involving dispatchers in the U.S. Others may find the issues and interpretations useful when discussing the same issues with their own operator and CAA.

1. The first deals with Dispatcher duty time and involves non-dispatch tasks assigned by the operator to dispatchers and how they affect legal duty time and rest periods.
2. The second deals with pilots accepting reroutes from ATC via CPDLC (Controller Pilot Data Link Communication) without collaboration and concurrence with the dispatcher.



Federal Aviation Administration

Memorandum

Date: MAR 17 2015

To: John Duncan, Director, Flight Standards Service, AFS-1

From: Mark W. Bury, Assistant Chief Counsel for Regulations, AGC-200

Prepared by: Dean E. Griffith, Attorney, AGC-220

Subject: Aircraft Dispatcher Duty Time

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This memorandum is in response to your request for interpretation of section 121.465 of Title 14, Code of Federal Regulations. In your request you asked three questions pertaining to the aircraft dispatcher duty time limitations found in that section.

First, you asked whether section 121.465(b)(1) requires a part 121 certificate holder to consider training events and familiarization flights as dispatcher duty time. You also asked whether time spent conducting other duties (such as ATC manager, training person, or route coordinator) on behalf of a part 121 certificate holder would also be considered duty. The answer to both questions is yes.

The dispatcher duty time limitations are structured to allow a regular duty day of no more than 10 consecutive hours of duty, with provisions for additional duty within a consecutive 24-hour period. The duty time limitations also state when dispatchers must be relieved from all duty with the certificate holder, and contain an option for flag operators. *See* 14 C.F.R. § 121.465. These regulations establish that, in the case of a regular 10 hour duty period, a dispatcher will be off duty for 14 hours between duty periods, or will get at least 8 hours of rest between duty periods if scheduled to work more than 10 hours in a consecutive 24-hour period. 14 C.F.R.

§§ 121.465(b)(1)-(2). A purpose behind these regulations is to ensure that dispatchers have adequate time to rest between duty periods. *See, e.g.*, Legal Interpretation to Mr. Paul Supko, from Donald P. Byrne, Assistant Chief Counsel Regulations and Enforcement Division (Mar. 28, 1991) (stating fatigue can impact a dispatcher's ability to safely call out assigned duties).

The dispatcher duty-time regulations generally provide for duty free periods. The regulations only specifically mention a "rest period" for dispatchers scheduled for more than 10 hours of duty in a consecutive 24-hour period. So the question remains of whether familiarization flights and training assigned to a dispatcher by a certificate holder would be considered duty or would be permissible activities that could be assigned during a time that a dispatcher is not on duty and is not in a rest period.

The Agency has consistently interpreted the word "duty," with respect to part 121 and 135 flight and duty time limitations, to mean "actual work for a certificate holder, or the present responsibility for work should the situation arise." *See* Legal Interpretation to Captain Scott M. Ewing, from Mark W. Bury, Assistant Chief Counsel for International Law, Legislation, and Regulations (Jan. 13, 2014). Moreover, the FAA has stated that academic training for flightcrew members is work assigned by a certificate holder is duty. *Id.* Given that the Agency is similarly concerned with dispatcher fatigue as it is with the fatigue of other people involved with the flight, we see no reason why this concept would not apply to dispatchers. Accordingly, training and familiarization flights assigned by a certificate holder to a dispatcher would be considered duty under section 121.465.

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The broad definition of duty also applies to duties assigned to a dispatcher other than training or familiarization flights. Therefore, dispatchers assigned to the activities such as the ones you mention in your question, above, would count time spent performing those activities as duty.

Finally, you ask if a certificate holder authorized to conduct only supplemental operations uses a “dispatch system” for operational control, are dispatchers now required to comply with section 121.465 duty and rest requirements.

The provisions of subpart P of part 121, aircraft dispatcher qualifications and duty time, apply to dispatchers for certificate holders conducting domestic and flag operations. 14 C.F.R. § 121.461(a). Therefore, dispatchers used in supplemental operations only are not required to comply with duty time limitations in section 121.465. The fact that such a certificate holder uses a “dispatch system” and states so in its operations specifications would not, by itself, create an obligation to comply with the aircraft dispatcher duty time limitations of section 121.465.

Please contact Dean Griffith with any questions about this memorandum.

U.S. Department of Transportation
Federal Aviation Administration
Office of the Chief Counsel 800 Independence Ave., S.W. Washington, D.C. 20591
MAR 3 1 2015

Joseph R. Cook
316 Aster Ridge Trail Peachtree City, GA 30269

Mr. Cook:

This letter is in response for a legal interpretation on the operational control requirements of 14 CFR Part 121. Specifically, you ask whether a pilot can accept a new route from Air Traffic Control (ATC) via the Controller Pilot Data Link (CPDLC), without having the Aircraft Dispatcher concur with the route change prior to acceptance and takeoff.

14 CFR Part 121 contains regulations describing responsibilities for operational control of an aircraft, dispatching authority, and responsibilities for dispatch release. The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight. No person may start a flight unless an aircraft dispatcher specifically authorizes that flight and each certificate holder shall prepare a dispatch release for each flight based on information furnished by an authorized aircraft dispatcher. See 14 CFR §§ 121.533, 121.593, & 121.663.

In the scenario you describe above, if ATC issues a new route via the CPDLC, the pilot may not accept the route change without the consideration and concurrence of the dispatcher

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prior to takeoff. However, the dispatcher and pilot in command may be aware of ATC rerouting activities along the planned route of flight during their preflight planning. Therefore, if both the dispatcher and pilot in command agree during preflight planning that the flight could be conducted safely using various routes, then the pilot may accept the new route of flight provided it is one that was previously agreed upon with the dispatcher prior to take off. See Legal Interpretation to Glenn Morse from Donald P. Byrne, Assistant Chief Counsel of Regulations and Enforcement, Dec. 24, 1990 (stating that if a pilot in command and dispatcher has considered SWAP routes during their preflight planning, in addition to calculating fuel requirements and considering other required factors, then the pilot may accept a new flight route). The FAA emphasizes that the dispatcher and pilot in command must take into consideration these rerouting activities in conjunction with fuel and aircraft performance limitations, reported and forecast weather, and anticipated delays during their preflight planning.

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Nancy Sanchez, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of Flight Standards Service. Please contact us at (202) 267-3073 if we can be of further assistance.

Assistant Chief Counsel for R
AGC-200

We plan to include more dispatch-related FAA legal opinions in future issues of FDW.

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Welcome Aboard!

Kirk Quong Sing – Director Asia Pacific

On behalf of the IFALDA Board I'd like to take this opportunity to welcome Kirk Quong Sing on board as our Director – Asia Pacific, succeeding Paul Chevalier who asked to be relieved of his responsibilities in order to focus more on his career at Virgin Australia. We'd like to thank Paul for his service to the profession as the voice of IFALDA in the Asia-Pacific region.

Kirk has been the Manager of the Dispatcher Training Course at the Jeppesen Academy in Denver for many years and has also been a friend of IFALDA for a long time. Kirk has excellent connections in not only Asia, Southeast Asia and the Pacific but also within the Middle East. Like Paul before him, Kirk will serve as the eyes and ears of IFALDA within the region.

ICAO NATII/2 Normal Flight Tracking Circular working Group Update

We have finished the last chapter of the normal flight tracking circular. We are now meeting weekly via TELECON to edit and clarify about 6 months of work by a group of very disparate (not desperate) individuals from the air carrier, pilot, dispatch, ATS and search, rescue and recovery professions. The circular adds

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procedures to be followed in order to comply with the latest Annex 6 revision which adds Chapter 3.5 - Flight Tracking.

We anticipate completion by the end of March and publication by ICAO before the end of the year. This has been a very rewarding process for IFALDA. We have Bernard Gonsalves, our Director – Global ATM, to thank for ICAO's invitation for IFALDA to join the working group. There are about 20 of us from around the world representing the ATS community, authorities such as EASA and FAA as well as IATA and IFALDA. It has been very challenging to educate many of the members of the working group as to the meaning of the term "operational control" and the difference between a "flight plan" and an "operational flight plan"; all of which are now clearly defined in the definitions section of the circular. At first I was challenged by several members of the working group for introducing the subject of operational control into the mix...some felt that flight tracking was a separate, different issue, basically an Annex 11 (Air Traffic) and Annex 12 (Search & Rescue) issue.

After quoting several SARPS in ICAO Annex 6 involving the exercise of operational control, it was soon agreed that normal flight tracking was more of an operator issue in Annex 6 than it was an Annex 11 or 12 issue...in fact, normal operator flight tracking is largely invisible to the ATS community.

I initiated several offline (ex parte) collaborations with the EASA, FAA and IATA representatives to ensure that flight tracking is recognized as an integral part of the exercise of operational control by the operator and when applicable, by flight dispatchers and flight operations officers. At one point it was suggested that I was trying to force the use of licensed dispatchers and FOOs into the guidance. While I did acknowledge that licensed professionals represented the very high end of our profession, IFALDA was a safety of flight and standards organization and not a labor union and accordingly, we were not concerned with job title or license status of those designated by their operator to engage in flight tracking as long as they were trained, qualified and found competent to do so in accordance with ICAO SARPS in Annex 6 and guidance documents.

AGM 2017 Buenos Aries

The following is repeated from the previous edition of FDW:

The International Airline Flight Dispatchers' Conference (IFALDA's 56th Annual General Meeting) will be held at the Hotel Presidente in Buenos Aires, Argentina May 9th - 12th, 2017 concurrently with EUFALDA's Annual General Meeting and APADA's Annual General Meeting. (Airport code EZE) Details are on the websites of the three organizations:

APADA <http://apada.org.ar/>

EUFALDA <http://eufalda.org/>

IFALDA <http://www.ifalda.org/>

Hotel Presidente Buenos Aires www.hotelpresidente.com.ar

Note- reservations for the AGM should be made directly with the hotel at the address above by following the directions and using the special hotel reservation form on the IFALDA home page in order to get the conference rate:

(amounts in U.S. \$)

Single Room: \$68/night incl. Breakfast

Double Room: \$80/night incl. Breakfast

Suite: \$115/night incl. Breakfast

Rates do not include taxes (VAT 21%)

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The Hotel Presidente is situated in the heart of Buenos Aires, within distance from the Obelisco, symbol of the city. Access to the main tourist sites, such as San Telmo, the tango place, and the historic civic center of the Casa de Gobierno and its surroundings is easy from the hotel. Also, the downtown with its business center and financial activity, the Colón Theater, Recoleta, the main museums, within meters from the Presidente Hotel make a privileged location. The Ezeiza International (EZE-SAEZ) Airport is about 17 miles (about 27 km) SW of the city. If you use a taxi from the airport make sure you agree on the fare before you get in the taxi.



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AGM 2018 Atlanta

Planning has already begun for our 2018 Annual General Meeting to be held here in Atlanta, hosted by PAFCA-Delta, tentatively scheduled for May 6-9, 2018. Atlanta is quite easy to get to with direct air service to most of the major cities of the world. It has an excellent ground transportation system linking the airport with "light-rail" service to most of the major shopping and tourist destinations around Atlanta. We are currently working with an event planner and concentrating our search for a venue to the immediate ATL airport area. There are about 30 hotels within 1 mile (2K) of the airport boundary and virtually all of them provide free airport/hotel shuttle service as well as free wifi and a breakfast included.

Dave Porter
Editor – Flight Dispatcher's World
Director – Professional and Technical Standards
Director - Membership
Co-Representative to ICAO
IFALDA

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