

CRD to Draft ToR RMT.0400 (OPS.090)

Name	Membership Advisory Bodies	Do you have comments on this ToR?	Comment	EASA's response
Zlatko Širac	MAB	No		Noted. Thank you for this feedback.
Omar Thor Edvardsson	TeB P&C	No		Noted. Thank you for this feedback.
Stéphane Flori	DM.TEC	Yes	<p>Comment n°1: General Comment The additional AMC/GM are required in order to implement the performance-based regulation CAT.GEN.MPA.210. The Industry is concerned by the short mean time between the planned availability of the results of RMT.0400 (AMC/GM/ETSOs) to implement the regulation CAT.GEN.MPA.210 and its effective date (1.1.2021).</p> <p>Comment n°2: Line number 168 A list of useful documents is provided in §7.3. The Agency should provide information of accessibility or links to the documents referred in §7.3 in the final ToR."</p>	<p>Comment No 1: noted. The Agency is aware that the time between planned issuance of AMC/GM for CAT.GEN.MPA.210 and the date of applicability is short, which will make the implementation challenging. In order to favour a globally harmonised approach, the Agency had decided in 2016 to wait until ICAO completes their work on location of an aircraft in distress. But ICAO has progressed more slowly than expected. In particular, ICAO Concept of Operation for a Global Aeronautical Distress and Safety System (GADSS) was published only in June 2017, and ICAO Doc 10054 (Manual on Location of Aircraft in Distress and Flight Recorder Data Recovery) was still not published by 10 April 2018. It should be noted that the Agency does not have the power to change the applicability date of a rule. This can only be done by the legislator (European Commission, European Parliament and Council). However, the Agency is analysing whether to propose the deferment of the application date. Comment No 2: agreement. Hyperlinks to the reference documents were added,</p>

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Mrs Jacky Hanafin	TeB Air OPS	Yes	Line 7 on page 1 of this TOR notes that it is not intended to use a Rulemaking Group. With the complexities and sensitivities of the task and the potential challenges of operators meeting the requirements, together with the various ways of achieving it, it is strongly recommended that a RMG is formed with industry, operator and regulator input to ensure that the NPA includes proportionate, achievable and realistic outcomes.	Partial agreement. Given the tight timeframe to deliver the NPA, convening a Rulemaking Group is not considered appropriate. However, it is planned to organise at least two workshops (one with 'end-users' of CAT.GEN.MPA.210 and one with the industry) before the publication of the NPA. See also reply to the comment of Ms Moran.
Mary Moran	SAB;DM.TE C	Yes	<p>"The proposed EASA rulemaking process milestone dates appear aggressive relative to industry's ability to support incorporation of distress tracking industry solutions by the 01 January 2021 mandate. 18 months is an insufficient amount of time for industry to design, develop, certify, and implement solutions once the multiple CS and AMC/GM requirements are released. It is estimated that a minimum of 30 months is required after release of the CS and AMC/GM requirements in order to field distress tracking solutions.</p> <p>Technical workshops are strongly encouraged to be held (as opposed to stating as "may be necessary"), since it is anticipated that a number of issues will need to be discussed (including the items identified by EASA in Lines 123-125). In addition, a discussion between the Agency and industry relative to the implementation schedule is encouraged as well, given concerns that the proposed EASA rulemaking process milestone dates (Lines 20-21) will not support incorporation of industry solutions by the 01 January 2021 mandate.(Ref Lines 119-122)</p> <p>Consider adding reference document "ICAO Doc 10054 – Manual on Location of Aircraft in Distress and Flight Recorder Data Recovery" (Line 197)"</p>	<p>First part of the comment (regarding the implementation time): see reply to Comment No 1 of Mr Flori.</p> <p>Second part of the comment (regarding technical workshop): agreement.</p> <p>The need for technical workshop is recognised and it is planned at this stage to organise at least one 'end-users' workshop (with search and rescue, investigation authorities, ANSPs) and one 'industry' workshop (operators, manufacturers, communication service providers and other enablers), before the NPA is published. The text in the ToR has been changed to read 'In addition, a few technical workshops <u>are planned</u> to ensure that the new CSs and AMC can be implemented by the industry in time for the mandate and that they do not adversely affect Search and Rescue (SAR) operations.'. The relevant Advisory Bodies will receive more information about these technical workshops in due time.</p> <p>Third part of the comment: noted.</p> <p>The reference to ICAO Doc 10054 does not appear in Section 7.3 of the ToR because this document has not been finalised and issued yet. However, this document will be taken into account when it is approved by ICAO.</p>

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<p>Alexandre Juliano Bianchi</p>	<p>SAB;FS.TEC</p>	<p>Yes</p>	<p>"Embraer believes this should not be an Agency task only – other organizations should also be involved in a working group to draft the NPA. Although, as pointed out in the ToR, there are several differences between CAT.GEN.MPA.210 and Standards in ICAO Annex 6 Part I; and there are yet no equivalent requirements in the Code of Federal Regulation of the United States of America, it would be advisable for these organizations (ICAO, FAA) and others to participate in a larger group to discuss and draft the proposed rulemaking. As it is known across the industry, one the most sensitive issues of aviation today is the lack of requirements' harmonization among the various aviation authorities.</p> <p>Besides this, CAT.GEN.MPA.210 addresses the location of an aircraft in distress. This is a situation that involves several stakeholders: ATC, RCC, AOC, accident investigation authorities, airworthiness certification authorities, OEMs, etc. The location of an aircraft in distress is a combined effort of all these stakeholders, in which each one has certain tasks to perform. It would be prudent to involve all these stakeholders to discuss this rulemaking. It is wise to remember that the CPDLC rulemaking discussions did not involve all the necessary stakeholders, which resulted, during the implementation phase, important integration issues that could have been avoided, if the original discussions were extended to a larger group.</p> <p>Also, there is a discussion in the industry if these requirements should be performance based or design based driven. Only in a larger forum, with different points of view provided by the different stakeholders that a consensus can be reached that addresses the CAT.GEN.MPA.210' aims.</p> <p>Last, but not least, there is the question of when the certification specifications, acceptable means of compliance</p>	<p>First part of the comment (regarding the decision to have an Agency task): partial agreement.</p> <p>Given the tight timeframe to deliver the NPA, convening a Rulemaking Group is not considered appropriate. However, it is planned to organise at least two workshops (one with 'end-users' of CAT.GEN.MPA.210 and one with the industry) before the publication of the NPA. Specialists from the stakeholders mentioned in this comment will be invited. See also reply to the comment of Ms Moran.</p> <p>Second part of the comment (regarding the implementation time): see reply to Comment No 1 of Mr Flori.</p>
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