



30 October 2014

COMMON AIRSPACE USERS ASSOCIATIONS POSITION ON EC OPTIONS ON THE DLS IR

During the EC workshop on Data Link Service Implementing Regulation (DLS IR) on 9 October the EC proposed different options (see Appendix A below) on the way forward addressing step 1. The options focus on limited amendments to the DLS IR to suspend the obligation requirements until a validated technical solution is available, while maintaining legal certainty.

AEA/ERA/IACA/IATA support Option 1 (see Appendix A)

AEA, ERA, IACA and IATA are in favour of Option 1, which propose to postpone the airborne and ground obligation requirements by 5 years for forward and retrofit to 5 February 2020 and for the ground infrastructure to 5 February 2018. We would emphasize that these shall be dates “at the latest”. An extension of 5 years will allow the SJU and EASA to dedicate the available time to find a validated solution and to prepare the deployment of the selected technology, also given the fact that 40% of the airlines reported to be ready by February 2015 and 75% by the end of 2017.

A shorter postponement will create a high risk of not having a validated technical solution and the required ground readiness before the expiry of the new dates.

With the aim not to lose deployment momentum, the mentioned airspace users’ associations propose in addition to the elements of option 1 to include an evaluation within this 5 years, to take place immediately after the final SJU phase 1 a/b project deliverables. The evaluation shall solely serve this purpose and shall not lead to further postponement or advancement of the dates laid down in the new DLS IR without a solid justification and the agreement of stakeholders.

AEA, ERA, IACA and IATA emphasize that a Data Link Program Manager is absolutely necessary to lead the SJU investigations and validations and the lead the technical directions to take. Additionally, a steering board needs to be established with steering board members from SJU and airspace users’ representatives. The steering board has the task to monitor progress and to ensure along with the Data Link Program Manager that the agreed schedule will be met.

The need for a compensation mechanism

An appropriate mechanism to financially compensate airlines for wasted investments in data link equipment and missing benefits due to ground non-readiness needs to be put in place and incorporated in an amendment to the existing DLS IR legislation.

Additional costs incurred to comply with a new or upgraded data link infrastructure beyond the baseline of the action DLS IR to solve the technical problems are in need for compensation measures as well.

An agreeable solution must be found for costs airlines have incurred to equip aircraft but such aircraft appear not eligible for this equipage anymore due to the moving dates with respect to e.g. “old” aircraft that cease operations; aircraft with dual stack and exemption criteria.



APPENDIX A

EC proposed Options (including identified pro's and con's by the EC) to "Suspend the obligation requirements until a validated technical solution is available, while maintaining legal certainty"

Option 1: postponing airborne by 5 years (from a purely legal point of view EC's favourable option)

- Forward and retrofit date: 5 February 2020
- Ground: 5 February 2018

Automatic exemptions:

- "FANS1/A" = dual stack: no change (to be addressed as part of step 2)
- "old aircraft" = + 5 years: 1 Jan 2003 – 31 December 2022
- Article 14 exemptions: no change (to be addressed as part of step 2)

The Commission clarified "no change" as follows :

"What the "no change" meant concretely is that, under step 1, we do not modify those two dates with the understanding that those specific elements (possible exemption for dual stack and general conditions for exemptions) will be dealt with in the scope of the step2, when a technically validated technical solution will have been found and certified.

In the short term, with the postponement of application dates for forward and retrofit, this should not be of immediate concern for the operators as they would have the time to equip until a validation situation is found".

Pros:

- Sufficient time to address all needed actions (phase 1 and 2 of SJU Work Plan, to validate the technical solutions and to launch the needed renew regulatory activities (step2)
- Sufficient time to assess and prepare for deployment of validated technology under Deployment Manager and to prepare the framework needed financial contribution

Cons:

- Risk of losing deployment momentum (lack of motivation to deploy)
- Risk that early implementation may feel disadvantaged/penalised

Option 2: postponing by 3 years + evaluation + new postponement Elements that could be already implemented

- Forward & retrofit: 5 February 2018
- Ground: 5 February 2016

Automatic exemptions:

- "FANS1/A": no change (see above);
- old aircraft: + 3 years: 1 Jan 2001 – 31 Dec 2020



Article 14 exemptions: no change (see above)

Pros:

- A slightly more flexible approach that ensures to keep momentum
- If SJU phase 1 results are positive and can be implemented earlier, a chance to solve some of the issues earlier

Cons:

- Need to re-open and review again 2.5 years (risk of one more legal steps before step2): administrative burden
- Lack of ground readiness