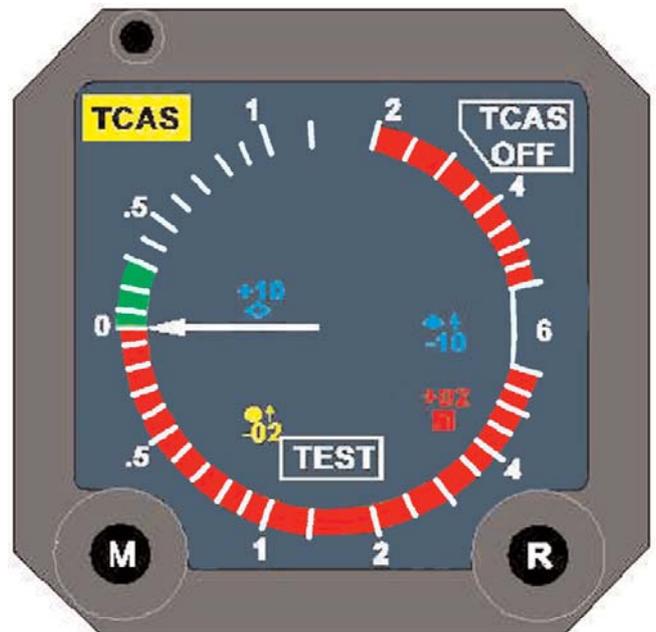


Functioning TCAS or government dispensation required in Japanese Airspace

Introduction

According to the Master Minimum Equipment List (MMEL), for most aircraft in airline service it is permissible to dispatch aircraft with the Traffic Collision Avoidance System (TCAS) inoperative until it returns to its main base or for a defined period from the time of failure whichever is the shorter. An example of this is the MMEL for the B777 (revision 15) which says that the aircraft can be dispatched with an inoperative TCAS provided it is repaired within three calendar days (72 hours) after the fault was recorded. Likewise, in its MMELs, Airbus says that it is OK to dispatch with the TCAS inoperative. However, both companies add the caveat that this is subject to national regulations. Some countries, for example China, demand that all aircraft entering their airspace have a functioning TCAS. Like these countries, Japan requires all airliners operating within the Fukuoka FIR to have a functioning TCAS. That said, aircraft are permitted to operate to or from Japan provided they have a waiver from the Minister of Ministry of Land, Infrastructure, Transport and Tourism (LITT). Operating without this waiver is prohibited under Article 60 of the nation's Aviation Law and the pilot in command of an aircraft found to be in contravention can be punished with a fine of ¥1,000,000 (US\$11,221) in accordance with Article 147 of the Enforcement Regulations Act. Basically, applying your airline's MEL which, even though it might allow dispatch with certain conditions, will not be sufficient since the MELs of foreign airlines are not accepted in Japan since they are not subject to Japanese regulatory oversight - you must comply with Japanese law and without the waiver you may be open to a serious fine.

The potential for an inadvertent contravention of regulations is heightened because there is no reference to the TCAS inoperative procedure in Japan's AIP which many airlines use as the primary reference to ensure compliance with national regulations. This procedure is explained below. The flight standards division of the Japan Civil Aeronautics Bureau (JCAB) has a procedure designed to expedite the issue of the waiver by the Ministry of



Excerpt from Japanese Aviation Law Article 60

“No aircraft specified by Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism shall be used for air navigation unless it is equipped with devices for measuring aircraft attitude, altitude, position or the course to be flown, wireless telephone and other devices for ensuring safe flight operations of aircraft pursuant to the provision of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism; provided however the same shall not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism”.

LITT for foreign registered aircraft with a desk manned 24 hours a day which will receive applications and issue approvals. According to JCAB officials, crews should expect the waiver to be issued within 20-30 minutes of the request being submitted.

Procedure for departing from an airport in Japan with TCAS inoperative

Notify the airport authorities that your TCAS is in-operative and request that they seek permission for departure. The airport will contact the Flight Standards Division at the Civil Aeronautics Board (CAB) in Tokyo. You can expect permission to dispatch between 20 and 30 minutes after the request has been submitted. *(Note: During a recent visit to the Flight Standards Division at the CAB IFALPA's Executive Vice President Asia Pacific and Regional Vice President – North Pacific were assured that the office is manned 24 hours a day 365 days a year and waiver permissions will be issued without delay.)*

Contact details:

*Flight Standards Division, Japan Civil Aeronautics Bureau
2-1-3 Kasumiagaseki, Chiyoda-ku, Tokyo 100-8918
Tel: +81 3 5253 8731 Fax +81 3 5253 1661*

Procedure for dispatch to an airport in Japan with TCAS inoperative

Again, permission from the Minister of LITT is required before departure. Depending on the local time in Tokyo at the time the request is submitted the processing time may be longer than the 20-30 minutes mentioned above.

Procedure for loss of TCAS enroute to or from Japan:

In this case the procedure is a lot simpler; you are only required to inform ATC of the loss of TCAS as soon as practically possible. There is no need to seek the government dispensation directly.

Clearly, this variation in the procedure is confusing and could expose pilots to large financial penalties. If your Home Association and/or company thinks, like our colleagues at ALPA Japan, that the procedure set out above is unrealistic they should ask the relevant National Civil Aviation Authority to contact the JCAB and urge them to consider modifying the procedures.

IFALPA provides this data for information only, In all cases pilots should follow their company's guidance and procedures.

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