

Foreign Airline MEL granted time limited comprehensive approval for use in Japanese airspace

In January of this year IFALPA issued a Safety Bulletin (10SAB12) which warned that the MELs of foreign airlines are not oversighted in Japan and that operating an aircraft within the FUKOKUA FIR with TCAS inoperative and without dispensation from the Japanese Ministry of Land Infrastructure Transport and Tourism (LITT) could result in the Pilot in Command being personally liable and fined under the penalties section of this Japanese Aviation Law. The penalties could result in the Pilot in Command being personally fined ¥ 1 million (approx US\$11,200) as well as the Operator with a similar fine.

Recently, the Japanese Civil Aviation Bureau (JCAB) has sent a letter to the branch offices of all foreign airlines known to serve destinations in Japan which details all the equipment as set out in Japanese Aviation Law Articles 60 and 61 which are required to be serviceable at the time of dispatch for flights within the FUKOKUA FIR (see the listing below). Significantly, the JCAB also advised airlines that it has set up a Comprehensive Approval which allows an airline to apply its own MEL for inoperative items from the Article 60 & 61 list. This dispensation is limited to a year at a time after which the airline must apply for a further Comprehensive Approval. This means that the PIC will not have to apply for dispensation prior to a specific departure provided his airline has a current Comprehensive Approval from the JCAB.

Serviceable Equipment required by Article 60

2 x ADF*

2 x VOR*

1 x Weather Radar

1 x GPWS

1 x TCAS

**not required for RNAV based flight*

Serviceable Equipment required by Article 61

1 x Flight Data Recorder (FDR)

1 x Cockpit Voice Recorder (CVR)

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Since failure to comply with the regulation exposes the PIC to the risk of a large fine, it is important to check that your airline has a current Comprehensive Approval if any of the equipment listed above is inoperative before dispatching to or from Japan. You can check the status of your airline via your dispatcher. If your company has not had a Comprehensive Approval from the JCAB, you must ensure that the dispatcher requests an individual waiver permission. The JCAB has notified the Japanese branch offices of all foreign airlines of the application procedure and out of office hours contacts.

Remember: Failure to follow this procedure could result the fines outlined above being imposed on both the operator and the PIC.