

INDUSTRY CONSULTATION BODY

**ICB position on draft mandates to develop implementing rules on
Mode S interrogator code allocation and
surveillance performance and interoperability requirements**

This paper communicates the ICB's position on the draft mandates to develop implementing rules on Mode S interrogator code allocation (SSC/15/8) and surveillance performance and interoperability requirements (SSC/15/9). The position stated is valid for all Implementing Rules to be developed under the Interoperability Regulation.

1 Purpose

This paper communicates a provisional ICB position ICB/10/5 on draft mandates to develop implementing rules on Mode S interrogator code allocation (SSC/15/8) and surveillance performance and interoperability requirements (SSC/15/9).

The paper was developed from information provided by CANSO and AEA and was adopted at ICB/10.

2 Provisional ICB Position

The ICB supports the proposed mandates and wishes to raise three general issues equally valid to both proposed mandates and indeed all Implementing Rules to be developed under the Interoperability Regulation.

1. Regulatory approach

Eurocontrol should use the draft regulatory approach to clarify the subject of the envisaged Implementing Rules. Eurocontrol should develop different options to act as a basis for stakeholder consultation.

This method has been used for earlier mandates under the Interoperability Regulation and provided an excellent opportunity to comment and correct the on-going work at an early stage.

2. Scope of legislation

As a general principle, Community Specifications should identify the legal requirements (for example, Essential Requirement or clause(s) of Implementing Rules) that they are intended to act as a means of compliance for.

Different technical solutions must be permitted as means of compliance, with the market determining which solution is best. Therefore, the means of compliance should not be in the legislation; this will also permit development of new products and technologies.

The ICB oppose legal requirements that identify a precise means of compliance and note that this would violate the basic idea of the "New Approach" that has been used by the Commission for the last 20 years when establishing standards for interoperability.

3. Certification Requirements

The adoption of Implementing Rules and Community Specifications shall not require re-certification of existing equipment.

In order to minimise the cost of both producing and implementing Community Specifications existing standards and certification material should be used where possible.

3 Requested Action

The European Commission is requested to take note of the ICB's position whilst progressing the existing mandates and when formulating further mandates under the Interoperability Regulation.