



Explanatory Note to Decision 2013/028/R

Portable Electronic Devices (PEDs)

RMT.0636 — 26/11/2013

EXECUTIVE SUMMARY

This Decision addresses technological developments related to Portable Electronic Devices (PEDs). The specific objective is to allow the use of non-transmitting PEDs during all phases of flight. Consequently, this Decision proposes a change to AMC1 CAT.GEN.MPA.140. The proposed changes are expected to provide more flexibility to operators.

Applicability		Process map	
Affected regulations and decisions:	ED Decision 2012/18/R	Concept Paper:	No
Affected stakeholders:	Operators, NAAs	Rulemaking group:	No
Driver/origin:	Technological development	RIA type:	None
Reference:	n/a	Technical consultation during NPA drafting:	No
		Publication date of the NPA:	n/a
		Duration of NPA consultation:	n/a
		Review group:	No
		Focussed consultation:	Yes, with MS
		Publication date of the Opinion:	n/a
		Publication date of the Decision:	2013/4q

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1. Procedural information

1.1. The rule development procedure

The European Aviation Safety Agency (hereinafter referred to as the 'Agency') developed ED Decision 2013/028/R in line with Regulation (EC) No 216/2008¹.

This rulemaking activity is included in the Agency's Rulemaking Programme for 2013-2016 under RMT.0636. Due to the urgency of this task, no Terms of Reference or Notice of proposed Amendment/RIA were published and no public consultation was conducted.

The draft text of this Decision has been developed by the Agency. Member States were consulted by submitting the draft ED Decision.

1.2. Structure of the related documents

Chapter 1 contains the procedural information related to this task. Chapter 2 explains the core technical content. The text of the AMC is annexed to the ED Decision.

¹ Regulation (EC) No 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1), as last amended by Commission Regulation (EU) No 6/2013 of 8 January 2013 (OJ L 4, 9.1.2013, p. 34).

2. Explanatory Note

2.1. Overview of the issues to be addressed

Portable Electronic Devices (PEDs) are any kind of electronic device brought on board the aircraft by crew members, passengers or as part of the cargo and that is not included in the approved aircraft configuration. Commission Regulation (EU) No 965/2012 makes it the operator's responsibility to demonstrate that any PED use on-board is safe and does not affect adversely the performance of the aircraft's system and equipment. Associated AMC/GM specifies that PEDs should not be used during critical phases of flight and taxiing and provides policy guidance for operators.

PEDs fall into three categories, as prescribed in GM1 CAT.GEN.MPA.140:

1. Non-intentional transmitters can non-intentionally radiate radio frequency (RF) transmissions. This category includes, but is not limited to, computing equipment, cameras, radio receivers, audio and video reproducers, electronic games and toys. In addition, portable, non-transmitting devices provided to assist crew members in their duties are included in this category. The category is identified as PED.
2. Intentional transmitters can radiate RF transmissions on specific frequencies as part of their intended function. In addition, they may radiate non-intentional transmissions like any PEDs. The term 'transmitting PED' (T-PED) is used to identify the transmitting capability of the PED. Intentional transmitters are transmitting devices such as RF-based remote control equipment, which may include some toys, two-way radios (sometimes referred to as private mobile radio), mobile phones of any type, satellite phones, computer with mobile phone data connection, wireless fidelity (WIFI) or Bluetooth capability. After deactivation of the transmitting capabilities the T-PED remains a PED having non-intentional emissions.
3. A controlled PED (C-PED) is subject to administrative control by the operator. This will include, inter alia, tracking the location of the devices to specific aircraft or persons and ensuring that no unauthorised changes are made to the hardware, software or databases. A C-PED will also be subject to procedures to ensure that it is maintained to the latest amendment state. C-PEDs can be assigned to the category of non-intentional transmitters (PEDs) or intentional transmitters (T-PEDs).

For the ease of reading, the term 'non-transmitting PED' is now being used throughout this Explanatory Note. This means the same as a 'non-intentional transmitter' or 'non-intentional transmitting PED'.

This ED Decision concerns only non-transmitting PEDs.

Recognising the wide proliferation of PEDs and the wish of passengers to use them everywhere, the Agency is working towards relaxing current restrictions on the use of non-transmitting PEDs during critical phases of flights and taxiing.

As a first step, the Agency amends AMC1 CAT.GEN.MPA.140 to allow the use of non-transmitting PEDs during any phase of flight. The Agency publishes with this Decision a Safety Information Bulletin which includes further considerations for operators when implementing the expanded use of PEDs. It is to be noted that the expanded use of PEDs is only possible if the aircraft is certified as PED-tolerant or if the operator has performed a hazard identification and risk assessment following the guidance provided in EASA SIB

2013-21, if cabin safety procedures are implemented and the crew being briefed or trained accordingly.

In a second step, and with a separate rulemaking task, the Agency intends to further review the AMC/GM to CAT.GEN.MPA.140 considering operator and Member State best practices, and also assessing the issue of transmitting PEDs.

In a third step, the Agency will review the certification specifications for large aeroplanes and possibly other categories of aircraft to formalise the possibility for certifying aircraft types as PED-tolerant for a defined list of PEDs. The Agency will seek cooperation with the FAA on this task. In the meantime, the Agency will continue PED-tolerant certification at the request of applicants using the Certification Review Items procedure.

2.2. Objectives

The specific objective of this proposal is to provide more flexibility to operators by allowing the use of non-transmitting PEDs during all phases of flight.

2.3. Overview of the amendments

AMC1 CAT.GEN.MPA.140 is amended to allow the use of non-transmitting PEDs during all phases of flight.

3. References

3.1. Related regulations

Regulation (EU) No 965/2012

3.2. Affected decisions

ED Decision 2012/018/R

3.3. Reference documents

EASA SIB 2013-21 – Use of Portable Electronic Devices (PED) during Commercial Air Transport Aircraft Operation

FAA InFO 13010, Expanding Use of Passenger PEDs

FAA InFO 13010 SUP, FAA Aid to Operators for the Expanded Use of PEDs

FAA Notice 8900.240 – Expanded Use of PEDs

FAA PED ARC report