

To all customers of Funkwerk Avionics and interested persons

Unser Zeichen

GF

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19.09.2008**EASA AD No.: 2008-1058 from 21.08.2008**
LBA LTA No.: 2008-304R2 from 03.09.2008 (3rd revision)

Ladies and Gentlemen,

This letter is intended to inform you about the actual situation concerning our transponders TRT600 and TRT800.

1. Summarization of the legal situation

On 08/21/2008 the EASA enacted the airworthiness directive mentioned above. With effect from 09/12/2008 it transfers the permission to operate our transponders to the competence of the respective ANSP(s) air navigation service providers.

According to our state of knowledge the national air-traffic controls decided as follows:

- The Netherlands permitted the operation of our transponders without any restrictions
- Great Britain released a restriction corresponding to UK-CAA „Aeronautical Information Circular“ concerning airspaces in which a transponder is obligatory
- The german DFS interdicted the operation in airspaces in which a transponder is obligatory (NOTAM from 09/12/2008)
- Official statements from other european air-traffic controls are not available yet. We therefore assume that the operation of our transponders is possible in these airspaces

The NOTAM of the DFS came to our surprise as, a few days before, the operation of our transponders was regarded as not critical and there were no incidents within the area of responsibility of the DFS.

At this point the federal german ministry of Transport, Building an Urban Affairs seems to have general juridical objections finally leading to the issued grounding for airspaces in which a transponder is obligatory.

The 1st revision of the LBA's LTA from 08/28/2008 mentioning a collision warning and hardware errors certainly contributed to these objections. In the revised version from 09/02/2008 these unsustainable

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statements have been retracted fast and inconspicuously. We meanwhile asked the president of the LBA for clarification about how these originally wrong statements could be released.

2. Summarization of the actual technical investigations

Over the past days the EASA performed a Certification Review of our transponders which revealed no reservations.

This raises the suspicion that, despite fulfilling the requirements of ED73B, there is a risk that the transponders do not operate properly in a real Mode S environment. For this reason we modified our transponders to a state in which functions going beyond the certification directives have been optimized.

This state of modification is currently being tested with participation of EASA, Eurocontrol and other european air-traffic controls. The EASA agreed to issue a new airworthiness directive as soon as the tests are completed. The directive will authorize this state of modification for operation without restrictions.

3. Further proceeding

In the meantime we have agreed on a Service Bulletin with EASA which we will publish simultaneously with the EASA approval. This Service Bulletin will require an update of the transponder to the latest state of modification. In order to come up to the expected rush and to avoid delays we are preparing this callback professionally. To do so we will revert to the production capacity of the Funkwerk group.

We are confident that this Service Bulletin will be published in September. Yet the number of involved authorities is very high. Therefore we cannot exclude delays in this case.

Finally one thing comes close to our heart: Right now many of our customers are going through hell as they cannot use their aircraft as desired despite a functioning transponder or who are waiting for an ordered device. So do we. Of course there were customers who expressed their resentments to us. But we are deeply impressed by the great number of customers reacting with understanding and trust. This does also apply to the fair treatment by the press. We are trying to deal with this situation as overtly as possible and would like to say thank you to all for the numerous encouraging talks at the Magdeburg fair as well as at the airshow at Zell am See in Austria.

Kind regards,
Funkwerk Avionics GmbH

Michael Frost

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