



Opinion No 11/2013

Licensing and medical certification of air traffic controllers

RELATED NPA/CRD 2012-18 – RMT.0153 (ATM.003(a)) & RMT.0154 (ATM.003(b)) – 2.12.2013

EXECUTIVE SUMMARY

This Opinion addresses the licensing and medical certification of air traffic controllers and provides the final outcome of the rulemaking task RMT.0153 (ATM.003(a)) & RMT.0154 (ATM.003(b)), which started in November 2009 and resulted, as intermediate steps, in Commission Regulation (EU) No 805/2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008, as well as in the Notice of Proposed Amendment (NPA) 2012-18, published on 22 November 2012.

The objectives of this rulemaking task are to ensure and maintain the high and uniform level of safety while filling the existing gaps between the safety objectives and essential requirements of Regulation (EC) No 216/2008 and the currently existing Implementing Rule. This draft rule aims at facilitating the mobility of air traffic controllers and the integration within the Functional Airspace Blocks via the establishment of common training standards, including supporting AMC and GM and the recognition of licences at EU level, as well as via the establishment of a clear framework for the ATCO training organisations and the recognition of their certificates. Moreover, this draft rule establishes the necessary synergies for aero-medical examiners and centres involved in the medical certification of pilots and air traffic controllers. A smooth transition towards the truly harmonised qualification and training requirements and to their supporting uniform licensing scheme is ensured by the appropriately tailored mechanism to allow for a flexible opt-out time frame. Despite the required initial investments, this truly harmonised regulatory system throughout the EU will in the long term provide for cost-effectiveness and will contribute to the reduction of regulatory tasks at national level.

NPA 2012-18 has been subject to extensive public consultation. In addition to that, on 16 January 2013 a workshop was organised in Cologne which gave stakeholders the opportunity to discuss with the EASA and the relevant rulemaking group's experts the proposed rules and their reasoning while the consultation was still ongoing. The workshop has been evaluated as being very beneficial and a key contributor to better understand the proposals and their justification. As a result of the public consultation EASA received 2 926 comments. EASA reviewed the comments and provided responses thereto with the contribution of experts who participated in the drafting of the subject proposals and of individuals and organisations who were not members of the initial rulemaking group. The related Comment-Response Document was published on 1 October 2013. EASA expresses its appreciation to the stakeholders who have provided not only their individual comments, but expressed their coordinated views through the relevant European stakeholder groups and considers that the comments received contribute significantly to the production of balanced and efficient rules.

EASA trusts that the final draft proposal attached to this Opinion meets the expectations of the regulated persons and organisations and that its Explanatory Note provides sufficient clarification on the issues raised.

Applicability		Process map	
Affected regulations and decisions:	Rules for Air Traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008	Concept Paper:	No
Affected stakeholders:	Air traffic controllers; aero-medical examiners; aero-medical centres; EASA; national supervisory authorities; air navigation service providers; air traffic controller training organisations	Rulemaking group:	Yes
Driver/origin:	Article 8c of Regulation (EC) No 216/2008	RIA type:	Full
Reference:	Commission Regulation (EU) No 805/2011; Annex 1 to the Convention on International Civil Aviation (Chicago Convention); EUROCONTROL Specification for the ATCO Common Core Content Initial Training – Edition 1.0 – Edition date: 21.10.2008; EUROCONTROL Guidelines for the Requirements for European Class 3 Medical Certification of Air Traffic Controllers	Technical consultation during NPA drafting:	Yes
		Publication date of the NPA:	12.11.2012
		Duration of NPA consultation:	>3 months
		Review group:	Yes
		Focussed consultation:	Yes
		Publication date of the Opinion:	2013/Q4
		Publication date of the Decision:	2014/Q4

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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 this Opinion in line with Regulation (EC) No 216/2008¹ (hereinafter referred to as the 'Basic Regulation') and the Rulemaking Procedure².

This rulemaking activity is included in the Agency's Rulemaking Programme under RMT.0153 (ATM.003(a)) & RMT.154 (ATM.003(b)). The scope and timescale of the task were defined in the related Terms of Reference ATM.003(a)&(b). The process map on the title page contains the major milestones of this rulemaking activity.

On 22 November 2012 the Agency issued the Notice of Proposed Amendment (NPA) 2012-18 on the licensing and medical certification of air traffic controllers.

On 16 January 2013 the Agency organised a workshop in Cologne which gave stakeholders the opportunity to discuss with the Agency's and the relevant rulemaking group's experts the proposed rules and their reasoning while the consultation was still ongoing. Both the Agency and the participants evaluated the workshop as being very beneficial and a key contributor to better understand the proposals and their justification.

The public consultation period was extended, following the request of stakeholders, and ended on 29 April 2013. As a result of the public consultation the Agency received 2 926 comments, whose distribution is shown in Table 1 and Figure 1 below.

		Pages	Segments	Segments commented	Comments	Users
NPA 2012-18 (A)	Explanatory Note	73	70	51	328	50
NPA 2012-18 (B.I)	Draft cover Regulation and IR Part-ATCO, Part-ATCO.AR and Part-ATCO.OR	54	83	81	1332	60
NPA 2012-18 (B.II)	Part-ATCO.MED	19	38	37	406	36
NPA 2012-18 (B.III)	Appendices to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR	113	87	81	209	20
NPA 2012-18 (B.IV)	AMC/GM to Part-ATCO, Part-ATCO.AR and Part-ATCO.OR	45	44	35	323	38
NPA 2012-18 (B.V)	AMC to Part-ATCO, SUBPART D, Section 2 (Initial training)	299	89	89	179	7
NPA 2012-18 (B.VI)	AMC/GM to Part-ATCO.MED	28	41	34	122	25
NPA 2012-18 (B.VI)	Regulatory Impact Assessment	105	17	6	27	10
Total		736			2926	

Table 1: Distribution of comments received to NPA 2012-18 (through the sub-NPAs)

¹ Regulation (EC) No 216/2008 of the European Parliament and of 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 The Agency is bound to follow a structured rulemaking process as required by Article 52(1) of the Basic Regulation. Such process has been adopted by the Agency's Management Board and is referred to as the 'Rulemaking Procedure'. See Management Board Decision No 01-2012 of 13 March 2012 concerning the procedure to be applied by the Agency for the issuing of Opinions, Certification Specifications and Guidance Material (Rulemaking Procedure).

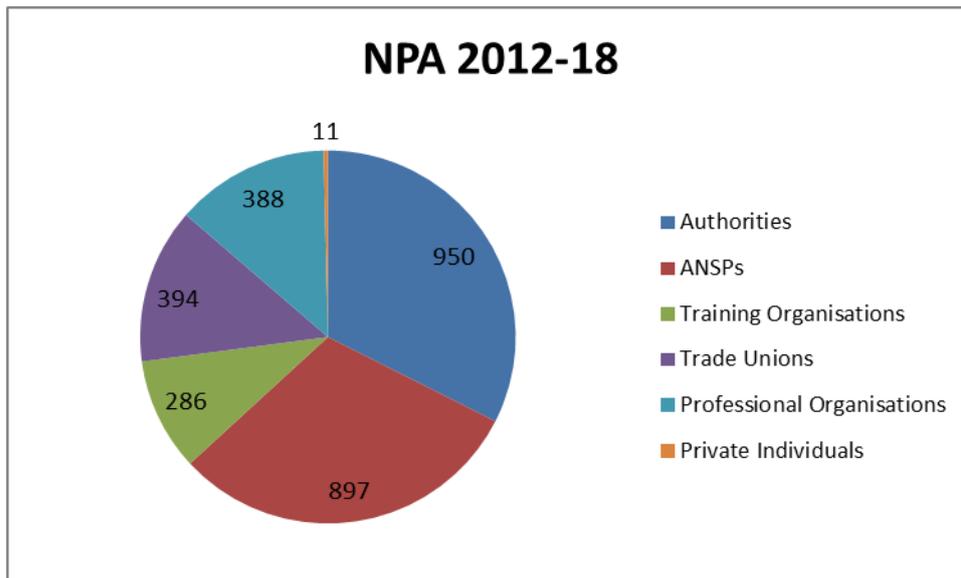


Figure 1: Distribution of the comments received according to stakeholder sectors

The Comment-Response Document (CRD) was published on 1 October 2013. It provides the full set of individual comments received to NPA 2012-18, and the responses provided thereto. In cases where (based on the comments received) the original proposal has been substantially reconsidered and amended, the resulting text has been provided to facilitate the understanding and the evaluation of the changes proposed in the light of the responses to the comments.

Out of the 2 926 comments received 60 % has been accepted or partially accepted, while only 28 % has not been accepted. The distribution of the responses in CRD to NPA 2012-18 is shown in Figure 2 below.

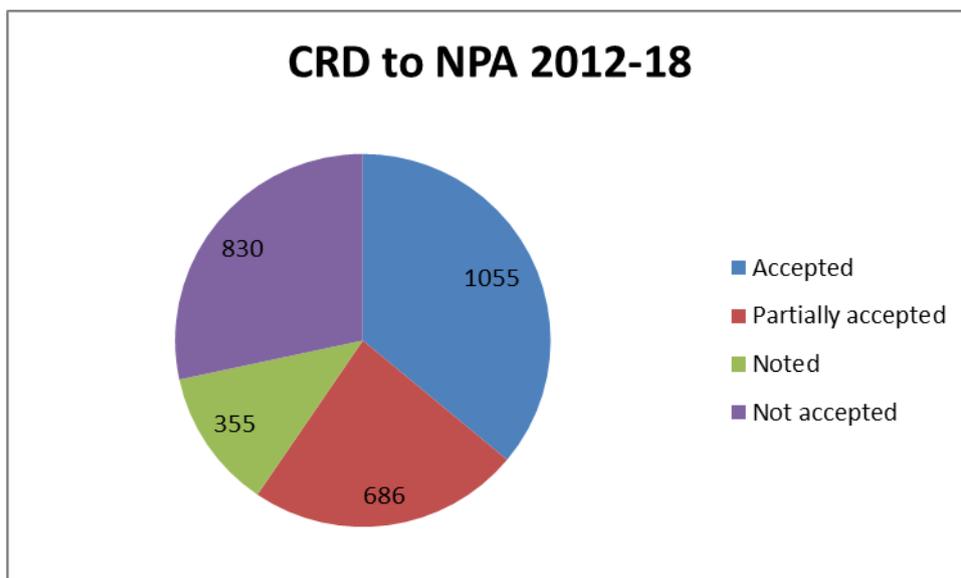


Figure 2: Distribution of the responses in CRD to NPA 2012-18

Stakeholders were invited to provide reactions to the CRD by 15 November 2013 regarding possible misunderstandings of the comments received and the responses provided.

Within the set time frame the Agency received 199 reactions to the CRD to NPA 2012-18. Reactions in general show that stakeholders are to a large extent satisfied with the review undertaken by the Agency based on the comments received and support the modifications introduced compared to the first draft issued via the NPA. The Agency wishes to recall that

reactions are to clarify possible misunderstandings of the comments received in the light of the responses provided. Therefore, those reactions that repeat the comments placed during the consultation by questioning the decision taken by the Agency are noted without further action. Some reactions brought further inconsistencies to the attention of the Agency, which are taken into consideration for the establishment of this Opinion. Where reactions highlighted misunderstandings or pointed out that the proposed text was not well understood, the Agency undertook further clarification either at Implementing Rule level or via additional AMC and GM material. Many reactions also acknowledged positively the efforts made by the Agency when establishing the compromise solutions and the responses to the comments, which the Agency notes with satisfaction.

The distribution of the reactions across the different files of the CRD are shown in Figure 3 below.

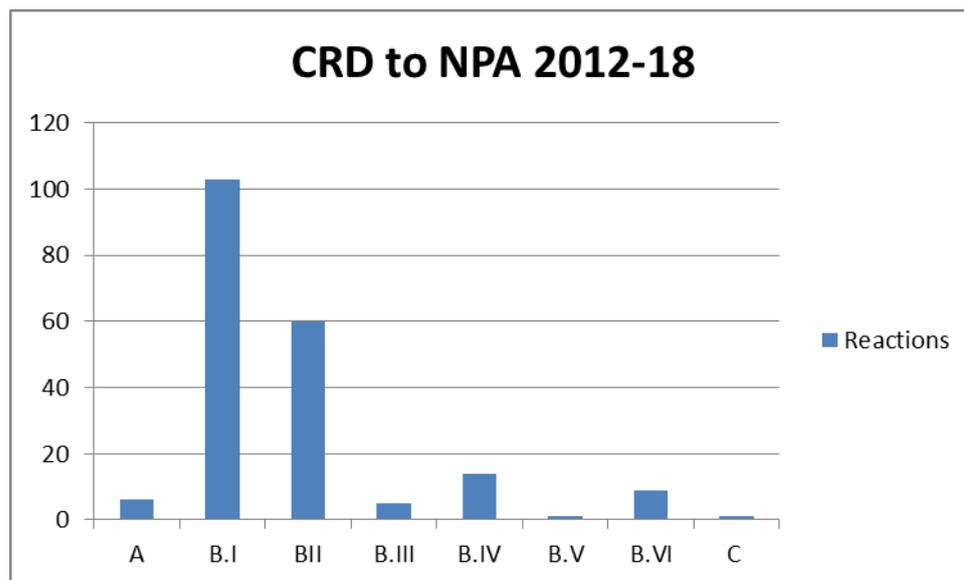


Figure 3: Distribution of the reactions to the CRD to NPA 2012-18

1.2. The structure of this Opinion and related documents

Chapter 1 of this Opinion contains the procedural information related to this task. Chapter 2 'Explanatory Note' explains the core technical content. The draft rule text proposed by the Agency is published on the Agency's website³.

1.3. The next steps in the procedure

This Opinion contains the proposed draft Regulation and is addressed to the European Commission, which uses it as a technical basis to prepare a legislative proposal.

With this draft Regulation the Agency proposes to repeal Commission Regulation (EU) No 805/2011, taking into account the length of the newly transposed requirements especially in the field of air traffic controller training and medical certification as well as the newly introduced and structured requirements in several other fields (e.g. instructor and assessor certification, requirements applicable to training organisations). The Agency is of the opinion that it is more user-friendly, from the implementation point of view, if only 'one book' needs to be considered, instead of working with amending provisions, which are in general difficult to read. The proposed transitional arrangements are to ensure a smooth transition when establishing compliance with the new requirements.

³ <http://easa.europa.eu/agency-measures/opinions.php#2013>

The Decision containing the related Acceptable Means of Compliance (AMC) and Guidance Material (GM) will be published by the Agency when the related Implementing Rule is adopted by the Commission.

For information, the Agency published the draft resulting text for the related Agency Decision containing AMC and GM. Such resulting text is, however, without prejudice to the final text to be aligned with the Implementing Rule and published as the final step of the subject rulemaking activity. The final Decision adopting the AMC and GM will be published by the Agency once the European Commission adopts this draft regulation.

2. Explanatory Note

2.1. Issues to be addressed

2.1.1 Changes to the existing technical requirements

Changes introduced to the technical requirements compared to Regulation (EU) No 805/2011 mainly affect the structure of ratings and rating endorsements, the validity of the unit endorsement, the validity of the language proficiency endorsement at expert level (level 6), the conditions to exercise the privileges of an OJTI endorsement and the requirements to be issued with an air traffic controller licence as regards the age and the educational background of the applicant. An additional change to the technical requirements compared to Regulation (EU) No 805/2011 is the implementation of ICAO Annex 1 by requiring training organisations to implement a management system to manage the safety of the services for those training organisations having an impact on aircraft operations.

Novelties proposed in the technical requirements compared to Regulation (EU) No 805/2011 are mainly to be found within the requirements for instructor and assessor qualification and certification, namely the newly established categories and the qualification requirements applicable to them, but novelty is also the incorporation of the applicable initial training and medical requirements instead of the previous referencing to external documents, as well as the incorporation of the ICAO-based requirements applicable to language assessment bodies.

Furthermore, and to facilitate the implementation of the State Safety Programme (SSP), the Agency is proposing with Annex II (Part ATCO.AR) the requirements for the competent authorities to oversee the regulated personnel and organisations in full alignment with the relevant ICAO Standards for the States' safety oversight systems. It should be highlighted, however, that the core of the authorities' tasks defined in the draft Implementing Rule does not differ from those which the competent authorities are already performing today.

The proposed changes are explained in detail in Section 2.5 of this document.

2.1.2 Changes stemming from implementation feedback

Many aspects of this proposal are naturally also related to the implementation feedback the Agency has received or observed. This is mainly stemming from the Agency's standardisation visits in the domain of ATM/ANS, and also from different SES reporting and peer-review mechanisms.

This Opinion has no mandate to go into the details of the actual findings resulting from the standardisation inspections, since those are specifically and systemically addressed via other means. However, as a general remark, the Agency wishes to emphasise that the general feedback of the 2-year cycle of inspections shows on the one hand the need for clearer regulatory framework in this field and on the other hand the necessity to establish AMC and GM with the view to assist in the implementation of the regulatory requirements in this field within the various unique operational environments. The proposed regulatory framework includes, where necessary, binding rules with no room for diverse interpretations in order to ensure uniform implementation and at the same time a flexible approach, allowing for tailored solutions adapted to the local environment.

The Agency, therefore, believes that uniform implementation is essential, for example in cases where the requirements are instrumental to ensure the safety of air traffic or with

regard to the recognition of licences and certificates, while it maintains the necessary flexibility, provided that safety is not adversely affected.

2.1.3 Legal considerations

In accomplishing this rulemaking task the Agency has continued the process which led also to the establishment of Commission Regulation (EU) No 805/2011 with the aim to adapt the requirements to the legal basis and to the clearly defined objectives, scope and content of the delegation of powers stemming from the higher-ranking regulation (see in particular Article 8c(10) of the Basic Regulation), including the related essential requirements (Annex Vb to the Basic Regulation). Full compliance is now established for cases where Commission Regulation (EU) No 805/2011 provided for limited or intermediate solutions due to the accelerated process.

Changes were still necessary to handle the remaining discretionary powers attributed to Member States under Commission Regulation (EU) No 805/2011 stemming from Directive 2006/23/EC. These powers cannot be maintained under the Basic Regulation as they contradict the governing principles of that Regulation. As a compromise solution some of these arrangements have been maintained in Commission Regulation (EU) No 805/2011 via transitional arrangements instead of general provisions allowing Member States to continue to define national 'variants'. With the repeal of Commission Regulation (EU) No 805/2011 such transitional measures cease to exist and during the general transitional period Member States should be able to adapt to the changed requirements. The application of the new common requirements instead of the national 'variants' will allow for further harmonisation within the European Union.

Examples:

- (1) The possibility to establish national rating endorsements is not maintained based on the fact that in most cases national rating endorsements were not created in line with the requirements applicable to them under Directive 2006/23/EC, which leads to the conclusion that situations covered by them could and should be covered by other means, thus maintaining the possibility to establish national rating endorsements is not justified. Changes are, however, proposed to the rating and rating endorsement system to cover those national rating endorsements that have been established due to the technical shortcomings of the existing system.
- (2) The possibility given to the Member States to introduce an age limit for exercising the privileges of a unit endorsement is not maintained either, since such restrictions affect the career possibilities of air traffic controllers and are in most cases linked to the national retirement schemes applicable to them. The Agency is of the opinion that when a deviation from the common requirements is necessary for safety reasons, Member States can always rely on the flexibility provisions provided by Article 14 of the Basic Regulation.

2.1.4 Structural changes

The proposed draft Regulation builds on the structure established by Commission Regulation (EU) No 805/2011 with dedicated parts to the licensing requirements, the requirements applicable to training organisations, competent authorities, the medical certification of air traffic controllers, and the certification of aero-medical examiners and aero-medical centres. The training and medical requirements are now integrated into this Implementing Rule, therefore its content has increased considerably, which leads to the establishment of the so-called cover Regulation containing the basic principles, scope, and

applicability of the rule and of annexes attached to this cover Regulation in the subjects listed above. Within the annexes, which are called 'Parts' according to the terminology used at EASA Implementing Rule level, the requirements are split into 'Subparts', as necessary, in order to group subjects within the different domains. The numbering of the provisions follows the EASA numbering convention. A harmonised structure of aviation rules aims also at improving clarity and to facilitate their safe and uniform implementation. For these reasons the Agency is proposing to repeal Commission Regulation (EU) No 805/2011 and replace it entirely with this new Regulation.

The Agency believes that the structure of the draft proposals enables stakeholders to better identify the requirements applicable to them as well as their interaction with the rest aspects of the licensing and medical certification of air traffic controllers. Following the cover Regulation, the draft rule contains four chapters, each of them dedicated to a given subject. Annex I (Part ATCO), defines the licensing, qualification and training requirements applicable to air traffic controllers. Annex II (Part ATCO.AR) contains the relevant administrative requirements from the perspective of the competent authorities. Annex III (Part ATCO.OR) defines the requirements applicable to air traffic controller training organisations from the perspective of their organisational set-up. Annex IV (Part ATCO.MED) establishes the necessary requirements for the medical certification of air traffic controllers.

2.1.5 Introduction of specific provision for ATS providers providing services to aircraft undergoing flight tests

During the consultation period of NPA 2012-18, the Agency has been made aware of the specific needs ATS providers have when providing ATS services to flight tests, and in particular when those flight tests are carried out in controlled or non-controlled airspace shared with other airspace users, which are also specifically addressed in NPA 2013-08 'Requirements for ATM/ANS providers and the safety oversight thereof'. While most of the existing requirements within the proposed Regulation are applicable, the Agency recognises the need for additional requirements, especially in the field of training (more specifically: unit training), which are to ensure the ability of the air traffic controllers to provide air traffic control services to aircraft carrying out flight tests. Therefore, the Agency proposes to require such air traffic controllers to meet additional requirements to those of the regular unit endorsement course. To this end specific performance objectives are set out and further details of the specific training are provided in the Guidance Material in order to assist affected ATS providers to establish the necessary training adapted to their specific environment.

2.1.6 Remotely operated towers

The Agency used NPA 2012-18 also to address possible effects of the remote tower operations concept on future air traffic controller licensing with the aim to identify how such operating methods could be best handled from the regulatory point of view.

The questions made through the NPA were related to several aspects regarding the remote tower operations, focussed on both the administrative element (necessity for a new rating endorsement and unit endorsements associated to the remote operation) and the training objectives (harmonisation and duration).

The Agency is very pleased to note the high number of responses provided to these NPA questions, which provide important information on the eventual future regulatory measures on this subject. The various nature of the arguments and responses received

and the fact that a considerable number of them stated that the concept of remote tower operations is, at this point in time, not mature enough, reinforce the need to treat this important issue in a precise manner as a separate rulemaking task which is included in the 2014–2017 Rulemaking Programme under RMT.0624 & RMT.0625 'Remote tower operations', scheduled to start in 2014/Q1.

2.1.7 ICAO compliance

According to Article 38 of the Chicago Convention, ICAO contracting States are obliged to notify ICAO of any differences between their national regulations or practices and those prescribed in ICAO Standards — the 'filing of differences'. Although the EU is not an ICAO contracting party, it has acquired competence in areas covered by the ICAO Convention, inter alia following the adoption of the Basic Regulation.

When the Commission — assisted by the Agency — adopts new regulations, there is a need for support to identify any differences between the new regulations and the ICAO SARPs so that Member States can then notify ICAO of the differences. One of the mandates of the Basic Regulation (Article 2(2)(d)) is 'to assist Member States in fulfilling their obligations under the Chicago Convention, by providing a basis for a common interpretation...'.

To this end a cross reference table is attached to this Opinion as Appendix 1 providing full comparison of the proposed Regulation and the ICAO SARPs. In addition, a detailed correlation table is published on the Agency's website⁴ for further information.

2.2. Objectives

The overall objectives of the EASA system are defined in Article 2 of the Basic Regulation. This proposal will contribute to the achievement of the overall objectives. The specific objective of this proposal is, therefore, to fill the existing gaps between the Basic Regulation objectives and the existing Implementing Rule. This draft rule aims at facilitating the mobility of air traffic controllers as well as the integration within the Functional Airspace Blocks via the establishment of common training standards, including Acceptable Means of Compliance (AMC) and Guidance Material (GM) and the recognition of licences at EU level, as well as via the establishment of a clear framework for the ATCO training organisations and the recognition of their certificates. Moreover, this rule establishes the necessary synergies for aero-medical examiners and centres involved in the medical certification of pilots and air traffic controllers.

2.3. Outcome of the consultation

The Agency concludes that the public consultation of NPA 2012-18 on the licensing and medical certification of air traffic controllers brought real benefits to this rulemaking activity. Stakeholders and interested parties provided valuable comments and alternative proposals accompanied with justifications and practical examples, which largely facilitated the review of the proposal.

The Agency reviewed the comments and provided responses thereto with the assistance and contribution of experts who participated in the drafting of the subject proposals and of individuals and organisations who were not members of the initial rulemaking group. For this purpose, and to ensure balanced participation of experts, the Agency decided to hold thematic meetings on the proposed rules, including the accompanying AMC and GM.

⁴ <http://easa.europa.eu/agency-measures/opinions.php#2013>

The thematic review meetings' aim was to commonly identify and analyse the issues behind the comments and to provide guidance to the Agency in the review of the proposals towards establishing its Opinion. Meetings have been held to enable open, constructive and targeted contributions and to ensure high effectiveness and focussed participation of experts according to their field of expertise.

The thematic meetings covered the following subjects:

- definitions and transitional arrangements;
- recognition of licences, licensing and authority requirements related to the issue, and exchange of licences;
- provisional inability;
- requirements for unit endorsements and for unit competence schemes;
- requirements for training organisations;
- air traffic controller training;
- instructor and assessor certification.

The thematic meetings provided the Agency with a better understanding of the comments and the underlying issues, and contributed greatly to the review of the proposal and to providing responses to the comments.

The Agency is also very pleased to note the high number of responses received to the specific questions addressed to stakeholders via NPA 2012-18, which certainly assisted in the formulation of this Opinion.

The CRD was published on 1 October 2013. It provided the full set of individual comments received to NPA 2012-18, and the responses provided thereto. In cases where (based on the comments received) the original proposal has been substantially reconsidered and amended, the resulting text was provided to facilitate the understanding and the evaluation of the changes proposed in the light of the responses to the comments.

Out of the 2 926 comments received 60 % has been accepted or partially accepted, while only 28 % has not been accepted. Stakeholders were invited to provide reactions to the CRD by 15 November 2013 regarding possible misunderstandings of the comments received and the responses provided. The distribution of the comments received and of the responses provided to them in CRD to NPA 2012-18, as well as the statistics on the reactions received, is shown in Figures 1 to 3 in Section 1.1 of this document.

2.4. Summary of the Regulatory Impact Assessment

2.4.1 Background

NPA 2012-18 addresses issues regarding the licensing and medical certification of air traffic controllers and proposes detailed requirements, accompanied by AMC and GM where necessary for all aspects governing the access to this safety-related aviation profession, as well as for exercising the privileges granted by the air traffic controller licence. The proposed rule in said NPA aims at filling the gaps between the high-level requirements set out as safety objectives in the relevant essential requirements of Regulation (EC) No 216/2008 and the currently applicable Commission Regulation (EU) No 805/2011, which although already started the implementation of the said essential requirements, it did not accomplish this task fully.

As regards regulatory harmonisation, the proposed rule takes into account the relevant European Union legislation and the ICAO SARPs.

The complete Regulatory Impact Assessment can be found in sub-NPA 2012-18 (C).

2.4.2 Scope of the draft rule

The scope of the draft rule covers the following:

- Conditions for the issue, suspension and revocation of licences of air traffic controllers and student air traffic controllers, as well as of associated ratings and endorsements, and the privileges and responsibilities of the licence holders.
- Conditions for the issue, limitation, suspension and revocation of medical certificates for air traffic controllers and student air traffic controllers, as well as the privileges and responsibilities of the holders of medical certificates.
- Certification of aero-medical examiners and aero-medical centres for air traffic controller and of air traffic controller training organisations as well as persons involved in the training, testing and checking of applicants.
- Conditions of the validity, renewal, revalidation and use of such licences, ratings, endorsements, and certificates.

2.4.3 General issues⁵

The growth and evolving nature of aviation in Europe is challenging, in particular with regard to the key safety factors of ATM/ANS. Therefore, necessary risk mitigation measures need to be established to ensure safety through a harmonised, holistic regulatory approach across the Member States.

The current status of the harmonisation of the licensing of air traffic controllers in the European Union, following the implementation of Commission Regulation (EU) No 805/2011, raises the following general issues:

- the 'total system' approach cannot be fully implemented as long as the remaining gaps between Commission Regulation (EU) No 805/2011 and the Basic Regulation are not filled with the necessary rules;
- there are potential concerns on the mutual recognition of licences in practical terms;
- the update of certain requirements within the scope of Commission Regulation (EU) No 805/2011 is outside the remit of the EU legislative system and remains therefore uncertain and too time-consuming (e.g. initial training, medical requirements);
- some rating and rating endorsement pairings are only based on national requirements, which might prevent the mobility of air traffic controllers;
- the oversight of the competent authorities by the Agency cannot bring the expected safety benefits without further detailed rules.

Without further harmonisation, the current situation would turn into a more problematic development over time.

While draft rules shall be developed⁶, their content might follow different options which may have different types of impacts on safety, social, economic, proportionality, and regulatory coordination and harmonisation when compared to the development of the current situation. In such cases, they are subject to an analysis called 'regulatory impact assessment (RIA)'. Based on the identified general issues, this analysis has to assess the relevant objectives to be achieved and which options could yield the best result.

⁵ As in NPA 2012-18.

⁶ Commission Regulation (EU) No 805/2011, recital 13: 'In order to enhance the confidence of Member States in each other's air traffic controller' licensing systems, common rules for obtaining and maintaining licences are indispensable.'

The draft rules consist of a cover Regulation with four different annexes⁷ which address the issues with regard to the licensing and medical certification of air traffic controllers and propose detailed requirements, accompanied by AMC and GM where necessary, for all aspects governing the access to this safety-related aviation profession, as well as for exercising the privileges granted by the air traffic controller licence.

Based on the general issues identified above, the following specific issues are presented in the RIA report of NPA 2012-18 (C):

- Chapter 4: Change of the surveillance rating system,
- Chapter 5: Oceanic control rating endorsement,
- Chapter 6: Validity of the unit endorsement,
- Chapter 7: Assessment of the language proficiency,
- Chapter 8: Instructors and assessors,
- Chapter 9: Approach to initial training — transposition of the Common Core Content,
- Chapter 10: Requirements for training organisations,
- Chapter 11: Medical requirements.

2.4.4 Stakeholders

The affected stakeholders are the following:

Air traffic controllers

There are approximately 17 500 air traffic controllers in the EASA Member States⁸; 75 % of these are air traffic controllers in operations, the rest percentage is split between air traffic controllers on other duties, air traffic controllers on-the-job trainees, and air traffic controllers ab initio trainees.

Training organisations

There are approximately 120 certified training organisations. The majority of them (approx. 75 %) is also air traffic service (ATS) providers or part of an ATS unit⁹.

Air navigation service providers

There are approximately 290 air navigation service providers. 30 % of these ANSPs provide ATS and fall within the scope of these changes¹⁰.

Competent authorities

There is generally one competent authority per Member State in the scope of air traffic controllers' activities.

⁷ Annex I — Part ATCO — Requirements for the licensing of air traffic controllers;
Annex II — Part ATCO.AR — Requirements for competent authorities;
Annex III — Part ATCO.OR — Requirements for air traffic controller training organisations and aero-medical centres;
Annex IV — Part ATCO.MED — Medical requirements for air traffic controllers.

⁸ EUROCONTROL: ATM cost-effectiveness (ACE) 2010 Benchmarking Report with 2011–2015 Outlook (Final report: May 2012).

⁹ EUROCONTROL Report on the SES Legislation Implementation, 2011.

¹⁰ EUROCONTROL Report on the SES Legislation Implementation, 2011.

2.4.5 Objectives

The objectives of the draft proposal are summarised as follows:

General objectives

Although the current situation in the EU Member States does not show any significant safety risk, the overall analysis is that the growth and evolving nature of aviation urge the establishment of the necessary measures to meet the general objectives of Article 2 of the Basic Regulation, i.e.:

- to maintain a high uniform level of civil aviation safety; and
- to facilitate the free movement of persons, while providing a level playing field with proportionate and cost-efficient rules.

Therefore, these objectives are relevant for all issues. Cost-efficiency includes ensuring a smooth transition from national to common European requirements.

Specific objectives for air traffic control licensing

There are also specific objectives valid for several issues related to air traffic controller licensing:

- overall improvement of the competence of personnel;
- promotion of mutual recognition of licences;
- improvement of the effectiveness of the air traffic control system.

Further detailed specific objectives are generally different for each issue: e.g. for the issue 'Assessment of the language proficiency', one of the objectives is to 'Establish means to detect and mitigate possible language erosion'.

2.4.6 Issue update as a result of the public consultation of NPA 2012-18

The comments submitted during the public consultation of NPA 2012-18 have allowed the Agency to collect sufficient feedback to formulate its Opinion. The major outcomes of this process are:

- 9-year validity requirement set for level 6 language proficiency for the English language only

Regarding the validity of the language proficiency endorsement, and taking into account the view of most of the commentators, the Agency proposes to reduce the 9-year revalidation requirement for level 6 language proficiency for the English language only and thus to exempt the local or national languages from this requirement. The Agency believes that this proposal is in principle also in line with those comments which requested an exemption for the native speakers, even though this term is not used in the proposed text as it is not clearly definable who should be considered native speaker. As a consequence of this change, Table 5 in the RIA, which originally did not take into account the native speakers, is in line with the proposed approach.

- Changes regarding the CCC transposition

Several comments were submitted particularly by training organisations and ANSPs as regards the approach and the methodology for the transposition of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training into EU law. The large majority of these comments expressed the wish to have the ATCO

CCC Initial Training not transposed but referenced in EU law, as it is already the case in Commission Regulation (EU) No 805/2011. The rationale for the transposition is explained and justified in the RIA attached to the NPA; the Agency is of the opinion that despite the indication in the aforementioned comments, the proposed approach remains most valid to ensure that the related essential requirements of the EASA Basic Regulation are met while promoting further harmonisation as well as the mobility of air traffic controllers.

In order, however, to provide more flexibility as regards future updates and taking into account the comments received on this subject, the Agency has decided to introduce a change to the proposed methodology for the transposition as follows:

- Subjects, topics and subtopics are transposed into Implementing Rules, as it was proposed with the NPA.
- Subject objectives (previously transposed into Implementing Rules) and training objectives are transposed into AMC. The AMC now include also the subject, topics and subtopics (IRs) referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach all CCC is available in a single source document in order to facilitate its reading, as requested by several stakeholders.
- It is to be recalled that these transposed training provisions have been subject to a substantial revision undertaken in close cooperation between the Agency and the EUROCONTROL ATCO Common Core Content Training (ACCCT) Task Force to update the initial training with the latest developments introduced in ATS and more in general ATM/ANS practices and regulations, as well as to include necessary changes resulting from the comments made on the NPA. The final results of this review and update activity are made available to the public with the publication of CRD to NPA 2012-18. Mapping matrices showing the changes introduced in comparison with the initial training content published in NPA 2012-18 (B.III), Appendix 3 to 9, and in NPA 2012-18 (B.V) are also provided.
- As requested by several comments from stakeholders, the Agency recognises the usefulness of the indication of common and repetitive objectives next to each training objective in the rating training syllabi (AMC to Appendices 3 to 9), and has therefore provided for such introduction.

The content of the initial training included in NPA 2012-18 (B.V) will still be subject to additional modifications before its publication in the related ED Decision. In particular as regards the content of training objectives, it will be necessary to replace references to ICAO provisions with relevant EU legislation, like for instance the complete set of the so-called SERA legislation or the Aerodromes-related legislation, which will enter into force and become applicable upon publication of the related Decision.

— Validity of the unit endorsement

Regarding the validity of the unit endorsements, where the changes proposed compared to Article 12 of Commission Regulation (EU) No 805/2011 were due to the discrepancy between the 12-month validity of the unit endorsement and the 3-year (maximum) period applicable to the competence assessment of the air traffic controller by Annex II, Part C, to revalidate (extend its validity according to the

previous terminology) the said endorsement. The NPA considered the diversity of the air traffic control units, their different needs and different activities and concluded that certain flexibility needs to remain with the ANSP when establishing the validity of the unit endorsements. Therefore, it has been proposed that the validity of the unit endorsement should be defined in the unit competence scheme and correlate to the frequency of the assessments, with a maximum period of validity fixed at 3 years, which has been the time limit in Commission Regulation (EU) No 805/2011 for the frequency of the assessments.

Based on the evaluation of the comments received during the consultation, the Agency concludes that even though there is a number of commentators voicing their opinion against the 3-year period as being too long, the view according to which flexibility at unit level is the good way forward prevails, since it allows ANSPs and units to set their own validity period and align the assessments.

The Agency, therefore, maintains its original proposal, which is also supported by the RIA, with the inclusion of some editorial changes in order to clarify that the assessment is a prerequisite for the revalidation; therefore, and for the reason of administrative simplicity and legal certainty, the two time frames need to be identical.

Based on the above the Agency concludes that the concerns raised on potential economic impact have been relieved due to the changes introduced throughout the proposal, which are significantly reducing the projected administrative burden originating from the newly established requirements of this proposal. For example, the number of new assessments is significantly reduced by changing the scope of the 9-year validity for level 6 language proficiency endorsement and thus eliminating the revalidations for local language endorsement holders. Furthermore, the overall number of assessments required is also significantly reduced by changing the approach concerning the instructor and assessor endorsement revalidation, which according to the proposal in this Opinion only require successful completion of refresher training on practical instructional skills, but no formal assessment.

No additional impact assessment was performed as the Agency proposal takes into account the comments received and adapted in a suitable way the related NPA 2012-18 draft requirements.

2.4.7 Conclusions

The main technical changes introduced by the proposal are summarised as follows:

The changes introduced to the technical requirements compared to Commission Regulation (EU) No 805/2011 affect mainly the structure of ratings and rating endorsements, the validity of the unit endorsement, the validity of the language proficiency endorsement at expert level (level 6), the conditions to exercise the privileges of an OJTI endorsement, and the educational requirement as a licensing criterion, where two possible options are proposed. An additional change to the technical requirements compared to Commission Regulation (EU) No 805/2011 is the implementation of ICAO Annex 1 by requiring training organisations to implement a management system to manage the safety of the services for those training organisations having an impact on aircraft operations.

Novelties proposed in the technical requirements compared to Commission Regulation (EU) No 805/2011 are to be found in the requirements for instructor and assessor qualification

and certification, in the training requirements, and the requirements applicable to language assessment bodies.

To facilitate the implementation of the State Safety Programme (SSP), the Agency is proposing with Annex II (Part ATCO.AR) the requirements for the competent authorities to oversee the regulated personnel and organisations in full alignment with the relevant ICAO Standards for the States' safety oversight systems. It should be highlighted, however, that the core of the authorities' tasks defined in the draft Implementing Rule are not fundamentally different from those that the competent authorities are already performing today.

The main impacts of the proposal are summarised as follows:

The draft rules will have a positive impact on safety, social, and regulatory harmonisation aspects. They will require adaptation from stakeholders, which will create additional activities during a certain period of time. To allow for sufficient time to prepare for the necessary changes and to keep the potential burden induced by these changes to a minimum, a 24-month opt-out period is proposed, followed by an appropriate time frame to allow for the implementation of the necessary changes (e.g. exchange of the grandfathered licences according to the new template). Once implemented, the new rules will support a cost-efficient air traffic controller licensing scheme, and will contribute to the overall efficiency of the air traffic control system in Europe as well.

Air traffic controllers will benefit from:

- more adequate ratings and endorsements (e.g. technology innovation followed by the surveillance rating system, oceanic control rating endorsement);
- common training requirements, with clarifications on the level of the binding rules regarding initial training, and a first set of common requirements for unit and continuation training;
- EU level playing field in language proficiency assessment;
- EU level playing field in medical assessment;
- potential extension of professional life when their licences cannot be maintained anymore (e.g. for medical reasons): the requirements for instructors and assessors will allow them to continue to provide their experience for specific types of training;
- common licence format facilitating the mutual recognition of the privileges.

Overall, the above will ensure the mutual recognition of their licences at EU level, support their mobility and the acquisition of common competence across the EU Member States.

Aero-medical examiners and aero-medical centres will benefit from:

- one clear set of requirements with the necessary flexibility via AMC and GM;
- simple and straightforward implementation due to synergies with regard to the aviation professions and by providing the same framework for persons and organisations assessing both air traffic controllers and pilots.

Overall, the above will enhance safety, level playing field, and cost-efficiency.

Training organisation will benefit from:

- common requirements at EU level on instructors and assessors;
- level playing field thanks to common requirements at EU level on the management system of organisations;

- flexible and proportionate requirements, e.g. for training organisations providing initial training only versus requirements for training organisations providing OJT, unit, and continuation training;
- proportionate SMS requirements clarifying when interfaces shall be foreseen with other aviation domains;
- potential new employment resources: the NPA allows air traffic controllers facing licence withdrawal (e.g. due to medical reasons) to provide their experience for specific types of air traffic controller trainings.

Overall, the above will ensure safety, level playing field, and cost-efficiency.

Air navigation service providers will benefit from:

- potential employment shortage handled more easily thanks to higher mobility of air traffic controllers facilitated by the new rules;
- quicker conversion when moving to another EU Member State due to uniform initial training and more harmonised unit training requirements;
- the overall benefits of common requirements for training content and training organisation will ensure air traffic controllers with a common level of knowledge and skills supporting the management of the air traffic controllers daily activities.

Overall, the above will enhance safety and cost-efficiency over time.

Competent authorities will benefit from:

- easier implementation and administration of the validity of the air traffic controller privileges (validity, revalidation and renewal criteria established for all privileges; in addition, correlation of the validity of the unit endorsement to the assessment of competence);
- harmonised oversight requirements for air traffic controllers and training organisations, including harmonised oversight activities with FABs;
- common approach for findings classification;
- reduction in the administrative effort and time currently attributed to regulatory coordination and harmonisation with ICAO (EASA ensuring mainly this role);
- synergies of these rules with other aviation domains according to the 'total system approach'.

Overall, the above will enhance safety, oversight, and cost-efficiency over time.

EASA will benefit from:

- a single set of common rules facilitating oversight and standardisation, and diminishing differences in interpretation;
- requirements for non-European air traffic controllers training organisations providing services within the EU, and ensuring an equivalent level of safety.

Across stakeholders:

- the implementation of the total system approach with proportionate requirements will enable synergies;
- the 24-month opt-out period, followed by an appropriate time frame for the administrative exchanges, is deemed to be sufficient to ensure a smooth transition towards the application of the new requirements.

2.5. Overview of the proposed amendments

2.6. Cover Regulation

Articles 1 and 2 of the draft cover Regulation define the objectives as well as the subject matter and scope of the proposed Regulation. Apart from defining the exact scope in terms of personnel and organisations it applies to, it lays down the basic requirements via which the qualification, licensing and medical certification of personnel as well as the certification of organisations shall comply with the relevant provisions contained in this Regulation. Article 3 maintains and further details the obligation with regard to the services provided or made available by military personnel to the public, which is stemming from the Basic Regulation.

Article 4 contains an extensive list of definitions, amongst them several new ones related to the newly proposed provisions on instructor and assessor qualifications and certification, as well as on the terms related to air traffic controller training. Definitions overlapping with those of the Basic Regulation have been deleted.

The definition of 'abnormal situation' has been further clarified to include unusual and degraded situations and at the same time maintain consistency with the terminology used in paragraph 4(c)(i) of Annex Vb to the Basic Regulation. At the same time, and following the comments, the examples are placed into the AMC material. The training material is also reviewed to ensure the use of consistent terminology.

Following the comments received the definition of 'air traffic control service' as in Regulation (EC) No 549/2004 is inserted in Article 3.

The definition of 'assessment' is revised in order to state that only those evaluations leading to the issue, revalidation and/or renewal of the licence and/or endorsement(s) are considered assessments and, therefore, need to be carried out by holders of an assessor endorsement.

Regarding the definition of 'critical incident stress' the Agency took into account the EUROCONTROL CISM User Implementation Manual, which provides a definition for 'critical incident' being 'any situation that causes a person to experience unusually strong stress reactions that the person perceives as disturbing or disabling'. Since this definition refers to 'situations' it does not differentiate between incidents, accidents and occurrences, therefore the same generic approach is maintained.

Regarding 'part-task trainer' and 'simulator' the definitions have been amended based on the already existing and widely accepted EUROCONTROL definitions. Regarding the definition of 'synthetic training device' the proposal to refer to 'real' operational conditions cannot be accepted since this term encompasses both simulators and part-task trainers, from which the latter does not necessarily relate to real operational conditions or environment.

Based on the support received from the commentators the definition of 'psychoactive substances' has also been amended to exclude caffeine from psychostimulants. As indicated in the NPA, this amendment requires to align the definition of psychoactive substances included in Commission Implementing Regulation (EU) No 923/2012 on Standardised European Rules of the Air accordingly. The necessary amendment is included in Article 8 of the draft cover Regulation. Additionally, Member States will be required to file a difference between ICAO Annex 2 and the amended Regulation on Standardised European Rules of the Air, the latter being less prescriptive.

As already proposed in NPA 2012-18, the current Article 5 defines the method for establishing or nominating the competent authority. It has been amended to specify more precisely who the competent authority is:

- within a functional airspace block or in the case of cross-border service provision;
- for the licencing of air traffic controllers;
- for the certification and oversight of air traffic controllers training organisations;
- for the oversight of the requirements laid down in Part ATCO relevant to air navigation service providers; and
- for aero-medical centres (AeMCs) and for aero-medical examiners (AMEs).

The required actions in cases where more than one competent authority would be established or nominated by the Member State with clear allocation of the responsibilities for the execution of the tasks, of the geographical scope and the necessary coordination to ensure proper oversight of the regulated personnel and organisations remain unchanged as well as the paragraph on the independence from the air navigation service providers and training organisations.

One of the novelties introduced into the provision on oversight capability is the requirements for Member States when ensuring the necessary capability to use the human resource assessments produced by the competent authorities in accordance with ATCO.AR.A.005(a).

Furthermore, a provision on conflict of interest to be avoided by the competent authority personnel has been newly introduced which is aligned with the similar ones in the other aviation domains.

Article 6 repeats the requirements already existing in Articles 28(5) and 29 of Commission Regulation (EU) No 805/2011 on the recognition of licences and certificates. There are no substantial changes introduced in these provisions other than providing a more detailed description of the elements to be recognised and the procedure to be applied when the holders of air traffic controller licences intend to exercise the privileges of their licence in a Member State other than that where the licence has been issued.

Article 7 repeals Commission Regulation (EU) No 805/2011¹¹ and proposes transitional arrangements. As a general rule, licences, ratings and endorsements, as well as certificates to personnel and organisations issued in accordance with the national requirements transposing Directive 2006/23/EC and with Commission Regulation (EU) No 805/2011, are deemed to be issued in accordance with this Regulation. In other words, these privileges are grandfathered. The ACP rating/OCN rating endorsement pairing which may have existed before at national level is also grandfathered, since the underlying requirements for their individual issue were already set out in the EU rules.

Existing licences should now be replaced with licences according to the new EU templates. As it is not regarded feasible to require all licences to be exchanged at the same time and on the first day of the application, a sufficient time span should allow stakeholders to implement the necessary changes and exchange the necessary documents.

¹¹ Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and Council (OJ L 206, 11.8.2011, p. 21).

Following the comments received and the request of stakeholders to be able to smoothly 'blend in' the new provisions into their existing system as soon as possible, in the CRD the Agency presented the approach to shorten the applicability deadline to 6 months and cater for the necessary transition by adding appropriate opt-out possibilities of 18 months, while keeping the maximum transition time of 2 years unchanged, as in NPA 2012-18. In addition, the 6-month period following the individual applicability time frame chosen by the Member State is maintained to allow for the actual exchanges to take place, following the applicability of the new rule, in accordance with the opt-out possibilities.

The Agency believes that such change is in line with this comment as it is giving the possibility to Member States to implement the new Regulation swiftly, if they so wish, but maintains the possibility of a gradual approach for those Member States where this would be needed.

Regarding assessors and examiners, the previously existing common criteria were very limited, which makes it impossible to propose common conversion criteria valid throughout the EU. This is even more true for existing national privileges for simulator or synthetic training device instructors, as for such privileges there were no EU-wide harmonised criteria available under the previous rules. Therefore, Member States are required to establish (or may establish, for potential STDI holders) eventual conversion requirements for this personnel in order to be issued with an assessor or an STDI endorsement according to this Regulation. The conversion shall take place within 6 months following the applicability of the new rule, in accordance with the opt-out possibilities.

All certificates and approvals issued in accordance with the previously existing Community or EU rules are also grandfathered. Existing certificates should now also be replaced by certificates according to the new EU templates. The applicable detailed requirements are the same as for the exchange of licences detailed above.

Unit competence schemes and training plans need also to be adapted to the new requirements within the 6-month period following the individual applicability time frame chosen by the Member States.

Another deadline is foreseen for completing training courses started under Commission Regulation (EU) No 805/2011 for the purpose of accepting their course completion certificates, which is 12 months following the individual applicability time frame chosen by the Member State.

Article 8 introduces the necessary amendment to Regulation (EU) No 923/2012 explained above for the definition of psychoactive substances.

Article 9 regulates the entry into force of the rule together with the opt-out possibilities to ensure a smooth transition for complying with the requirements of this Regulation. The Agency is now proposing a 6-month delay for the applicability date, which is however complemented by an 18-month opt-out period, during which Member States may elect not to apply the new requirements, or parts of it. Consequently, this regime allows early introduction of certain requirements or even the entire rule for those Member States who wish to do so.

Should Member States use the opt-out possibility, they shall notify the Commission and the Agency of their decision before the start of the applicability date (= publication + 6 months) in order to allow to keep track of the actual applicable provisions in the different Member States for the purpose of standardisation inspections during the opt-out period.

The proposed applicability and transitional arrangements are illustrated in Figure 4 below for the information of stakeholders.

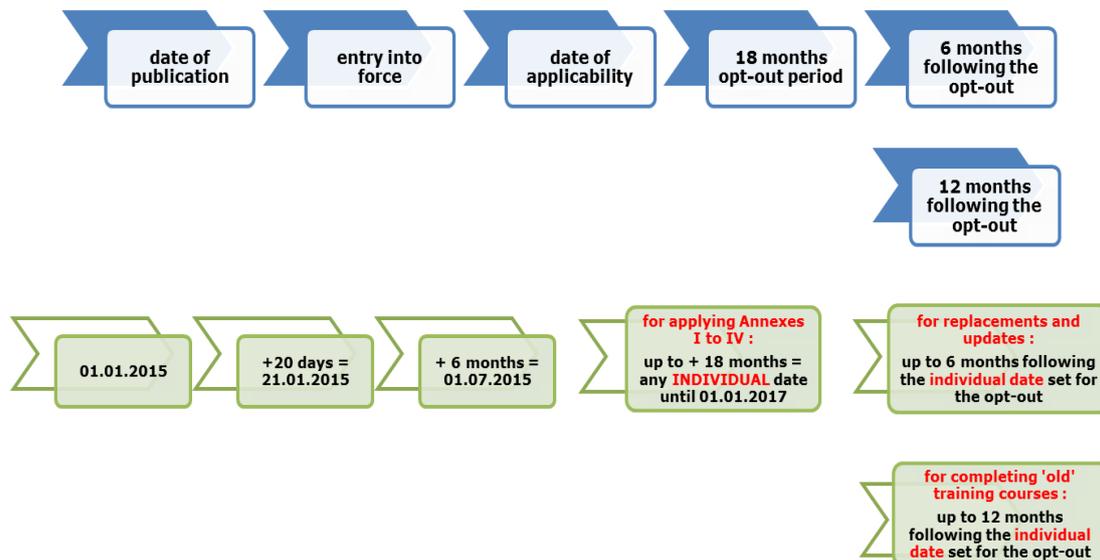


Figure 4: Illustration of the proposed applicability and transitional arrangements

2.7. Annex I – Part ATCO – Requirements for the licensing of air traffic controllers

2.7.1 Subpart A – General requirements

The provision in ATCO.A.001 defines the scope of Part ATCO with minor clarifications based on the comments received.

ATCO.A.005 regulates the subject of the application for and the issue of licences, ratings and endorsements. The basic requirement about the application remains unchanged; however, further details are introduced in order to reinforce the link between the licence and the issuing authority. To this end ATCO.A.005(b) requires the application for the issue of further ratings or endorsements, for the revalidation or renewal of endorsements, and for the reissue of the licence to be submitted to the competent authority which originally issued the licence.

Exchange of licences

Furthermore, in the light of facilitating the increasing air traffic controller mobility, ATCO.A.010 introduces rules to be followed when there is a need to exchange a licence due to the intention of the licence holder to exercise the privileges of his/her licence in another Member State. In order to better clarify the extent of the term 'intention', also GM has been added. In this regard it is important to emphasise the principle of 'one licence', which has been followed by the proposal in all relevant instances. Exchanging the licence in such cases cannot remain a privilege to be decided upon solely by the air traffic controller, as currently stipulated in the third subparagraph of Article 29(1) of Commission Regulation (EU) No 805/2011, as this may cause administrative problems and difficulties which may lead to the issue of another licence and thus indirectly making fraud possible. Due to various comments by which stakeholders expressed their desire to have a more detailed process of the exchange, the Agency is adding further explanation. Such details

include the actions that are to be carried out. Process-wise, in the case of moving to another Member State, the air traffic controller has to request the change of his/her licence for a new one issued by the competent authority in which the privileges are going to be exercised. This process shall always be followed before the licence holder actually starts exercising the privileges of the licence in order to ensure that he/she complies with possible additional requirements, such as language proficiency requirements relevant to the new Member State. To facilitate the process of exchange, the competent authorities involved in the exchange shall share all relevant information.

To facilitate the mutual recognition of air traffic controller licences the Agency is proposing an air traffic controller licence format that will replace many air traffic controller licence formats already in use within the European Union. Based on the specifications for licences laid down in Annex I to Commission Regulation (EU) No 805/2011 the rulemaking group with ad hoc expertise elaborated the format proposed in Appendix 1 to the draft Regulation to align with the specifications for personnel licences as required by Annex 1 'Personnel licensing' to the Convention on International Civil Aviation¹². The proposed licence format also ensures easy determination of the privileges and validity of ratings and/or endorsements.

Provisional inability

The provisions in ATCO.A.015 maintain the concept of provisional inability, which has been newly introduced by NPA 2012-18. Since this concept has been extensively commented, the Agency reconsidered its original proposal. First and foremost the Agency agreed with those comments that stated that declaring provisional inability should remain a possibility, rather than an obligation, available to both air traffic controllers and air navigation service providers, under the same conditions and for the same reasons. This approach is now mirrored throughout the text ensuring the declaration itself and equal treatment of provisional inability declarations from both sides via the objective, transparent and non-discriminatory procedures to be included in the unit competence schemes. To ensure however flexibility and proportionality, as well as to limit the administration to what is considered locally appropriate, it is proposed to define the cases for which the competent authority needs to be involved in the procedure to be defined by the air navigation service provider and to be approved by the competent authority via the unit competence scheme. The proposals concerning the establishment and functioning of Provisional Inability Review Bodies (or similar) were not accepted. The Agency considered that mandating the establishment of such bodies, even at Guidance Material level, and empowering them to decide on the declaration and termination of the status of provisional inability would create a significant conflict between the remit of such bodies and of ANSP managers responsible for safety accountability under the management system of the organisation. Moreover, it would not be understandable how any decision of such body could change or undermine the notification of provisional inability by the air traffic controller in question as regards the beginning of the provisional inability status.

Regarding the definition of provisional inability, some reactions considered that the reference to a non-medical state is not appropriate and suggested to refer to the validity of the medical certificate instead. This proposal is accepted, since the meaning of the provision is unchanged. The Agency is firm in its opinion that the status of provisional inability cannot cause any interference in the status of reduced medical fitness, which is

¹² 11th Edition, July 2011, Chapter 5.

regulated in detail in Part ATCO.MED, as any conflict between those provisions would create legal uncertainty. The additional GM provided on the possible causes leading to provisional inability is clearly stating that sickness may be a possible cause leading to provisional inability, but only under the condition that the medical certificate of the air traffic controller is not affected.

Contrary to some reactions, the Agency is convinced that the status of provisional inability is the appropriate means also for cases where the licence holder is not meeting all the competence-related requirements set out in the unit competence scheme. It is not questioned that it is for the unit competence scheme to define the processes to be followed in case of failure of an examination or assessment, as set out in ATCO.B.025. Provisional inability is only giving an identity to the status of the air traffic controller, instead of the previously used term 'competence in doubt', which can be relied on in case of a failure of an examination or assessment during the validity period of the relevant unit endorsement.

ATCO.A.020 marks and maintains the possibility of the revocation and suspension of licences, ratings or endorsements with minor modifications based on the comments received. More details on the procedural side are to be found in ATCO.AR.D.005 explained in paragraph 2.8.4 of this Opinion.

2.7.2 Subpart B – Licences, ratings and endorsements

Part ATCO, Subpart B, establishes the requirements concerning licences, ratings and endorsements, including their nature and privileges, as well as the conditions for obtaining and maintaining them.

Student air traffic controller licence

No consensus has been reached in the rulemaking group with regard to the prerequisites for obtaining a student air traffic controller licence in ATCO.B.001(b); therefore, in NPA 2012-18 the Agency proposed two options with the view to hearing from stakeholders which option they would find more appropriate and for what reasons. The difference between the two options is maintaining (option B) or not (option A) the educational requirement as a prerequisite for the issue of a student air traffic controller licence. Based on the outcome of the consultation the Agency decided to choose option A, so the educational requirement is not anymore considered as a prerequisite for the issue of the licence. The Agency believes that this requirement does not bring any added value in relation to safety, as the applicant has to demonstrate his/her appropriate educational background at the same time when the licence is being issued, following successful completion of the initial training, which together with the language proficiency of the applicant is the most significant proof that the privileges of the student air traffic controller licence could be safely exercised. The Agency believes that this approach does not undermine the relevant essential requirement stating that a person undertaking training as an air traffic controller or student air traffic controller shall be sufficiently mature educationally. On the contrary, with the proposed associated GM regarding the maturity of air traffic controller this Implementing Rule would finally put this important subject into the appropriate framework. Besides, the fact that applicants in most cases also participate in very strict selection procedures before being admitted to initial training, and that completing initial training is very demanding, reinforces the argument that it does not seem to be appropriate to check the educational background of the applicant at the stage of issuing a licence. In conclusion, the Agency considers that replacing the rather broad and therefore diversely interpreted education requirement by the proposed GM impacts

positively the mutual recognition of licences and ultimately the mobility of air traffic controllers.

The new paragraph (d) of ATCO.B.001 is further clarified in order to establish conditions on the holders of a student air traffic controller licence in relation to until when and under what conditions they may commence or continue unit training. The reason for this proposed provision is to ensure at all times that student air traffic controllers start their unit training with the necessary current and up-to-date knowledge and skills and avoid losing these just by time.

Air traffic controller licence

Regarding the privileges and prerequisites of the air traffic controller licence, compared to Commission Regulation (EU) No 805/2011, the minimum age to be issued with an air traffic controller licence is removed. This solution results in the minimum age of 18 years old, in practice aligned with the age to become a student air traffic controller and introduces harmonisation throughout the Member States.

The Agency has come to this conclusion based on an in-depth analysis of the comments received during the consultation process, the review meetings held, and the responses received to the questionnaire which was launched in parallel to the NPA consultation. In addition, the Agency also discussed the issue with subject matter experts at ICAO. The reasons for lowering the required minimum to be issued with an air traffic controller licence are summarised below.

- 18 years of age is in almost all Member States the age of maturity. There is no substantive reason for which safety could be affected in case a person being 18 years of age exercises the privileges of an air traffic controller licence, provided that the person meets the rest of the requirements and has demonstrated to be competent by the successful completion of a unit endorsement course.
- Unfairness and inconsistencies exist today due to the gap between the minimum age to become a student air traffic controller and the minimum age to be issued with an air traffic controller licence, since the duration of the unit endorsement course varies significantly from one unit to another. The responses to the questionnaire on the ATCO minimum age showed that the duration of the unit endorsement course could vary from an average minimum of 3 months until a maximum that could even exceed 24 months. Therefore, it is not reasonable to allow a person to become a student air traffic controller at the age of 18 and at the same time to allow him/her to be issued with an air traffic controller licence only 3 years later, especially when provisions have been established on the maximum period of time a student air traffic controller could remain 'current' without exercising the privileges of the licence in order to commence unit training.
- The analysis of the responses given by those Member States that did not use their right to derogate from the age of 21 leads to the conclusion that no safety reason was present. Instead, the reasons were related to the historical fact that ICAO Annex 1 establishes the minimum age to become air traffic controller at the age of 21 years. The other apparent reason for not derogating is that simply 'there was no need to' due to the fact that in those countries the duration of the unit training is such that the gap between the issue of the student licence and the air traffic controller licence is not significant. Lowering the minimum age to become an air traffic controller should not affect at all the way these Member States were dealing with the issuing of licences.

The Agency, therefore, concludes that there is no substantive reason, let alone a safety-related reason, for maintaining the age to become an air traffic controller at the age of 21 years, and proposes to align it with the standard age of maturity existing in the Member States and indirectly with the minimum age to be issued with a student air traffic controller licence. In any case, irrespective of this indirect alignment with regard to the age, the principles remain since it is necessary to be issued with a student air traffic controller licence prior to the issue of an air traffic controller licence.

It should be noted that this proposal maintains and institutionalises the already existing difference compared to the ICAO Annex 1 requirements and, therefore, requires a notification to this end. In parallel, the Agency would be ready to initiate any necessary action towards ICAO to suggest exploring the possibility to align Annex 1 with this initiative.

Air traffic controller ratings and rating endorsements

Regarding the system of ratings and rating endorsements set out in ATCO.B.010 and ATCO.B.015, the Agency notes that the changes proposed compared to Commission Regulation (EU) No 805/2011 have been supported by most stakeholders. Thus the integration of the Radar (RAD) endorsement and Automatic Dependent Surveillance (ADS) endorsement into the surveillance ratings, as well as the explicit pairing of the Area Control Procedural (ACP) rating with the Oceanic Control (OCN) endorsement are maintained.

Further to the proposed changes, stakeholders have commented on other elements of the existing rating/rating endorsement system, which are either considered too complex or not suitable for the local situations. For example, it has been proposed to simplify the structure of the ADI rating similarly to the surveillance rating and thus to integrate the applicable rating endorsements into the rating itself. It has also been commented that there is no technical reason for which ADV rating should not bear the same endorsements as ADI and guidance was requested for the training intended for additional rating endorsements. Last but not least, certain existing national ratings or rating endorsements have been proposed to be established at EU level.

The Agency responded to these comments by stating that such changes could be considered following a deeper analysis and evaluation of the possible impacts, as well as the determination of the necessary transition to accompany them. A review of the initial training requirements should also be conducted in order to ensure that the training plans cover all aspects of the different rating endorsements. Therefore, a separate rulemaking task could be foreseen to encompass the entire review of the system of ratings and rating endorsements, depending on the support and prioritisation of stakeholders. The Agency will take appropriate action to initiate such task. Until then, and based on the analysis of the existing national rating endorsements undertaken for NPA 2012-18, the Agency considers that other specific needs or national characteristics of the airspace could be handled via the respective unit endorsements.

Further clarification has been introduced to clearly state that the TWR endorsement encompasses the privileges of the GMC and AIR endorsements, and that only training organisations which are certified to provide training relevant to the rating shall be entitled to undertake the assessment of previous competence relevant to that rating. The assessment of previous competence requirements in relation to the rating endorsement has been deleted following the comments received during the consultation process. In this regard, being understood that training in any rating endorsement is directly associated with the training provided during unit training (and thus it is part of it),

the Agency believes that it does not add any value to require a previous assessment of competence, providing that the training shall be delivered irrespective of the result of the assessment.

Unit endorsements

During the consultation period of the NPA the Agency has been made aware of the specific needs of ATS providers when providing ATS services to flight tests, and in particular when those flight tests are carried out in controlled or non-controlled airspace shared with other airspace users, which are also specifically addressed in NPA 2013-08 'Requirements for ATM/ANS providers and the safety oversight thereof'. While most of the requirements of the proposed draft Regulation are applicable, the Agency recognises the potential need for additional requirements in specific environment, especially in the field of training (more specifically: unit training), which ensure the ability of the air traffic controllers to provide air traffic control services to aircraft carrying out flight tests. Therefore, the Agency proposes in paragraph (d) that such air traffic controllers may be required to meet additional requirements to those of the regular unit endorsement course. To this end specific performance objectives are proposed and further details of the specific training are provided as GM in order to assist affected ATS providers to establish the necessary training.

Paragraph (e) is dealing with the validity of the unit endorsements, where the changes proposed compared to Article 12 of Commission Regulation (EU) No 805/2011 are due to the discrepancy between the 12-month validity of the unit endorsement and the 3-year (maximum) period applicable to the competence assessment of the air traffic controller by Annex II, Part C, to revalidate (extend its validity according to the previous terminology) the said endorsement. The experts considered that this discrepancy is causing practical implementation problems and has led to considerable differences in the implementation amongst Member States. Moreover, the possible decoupling of the validity of the unit endorsement from the means to check the competence of the air traffic controller is considered inappropriate to ensure the same level of safety in a continuous manner.

The NPA considered the diversity of the air traffic control units, their different needs and different activities and concluded that certain flexibility needs to remain with the air navigation service provider when establishing the validity of the unit endorsements. Therefore, it has been proposed that the validity of the unit endorsement should be defined in the unit competence scheme and correlate to the frequency of the assessments, with a maximum period of validity fixed at 3 years, which has been the time limit in Commission Regulation (EU) No 805/2011 for the frequency of the assessments.

Based on the evaluation of the comments received during the consultation, the Agency concludes that even though there is a number of commentators voicing their opinion against the 3-year period as being too long, the view according to which flexibility at unit level is the good way forward prevails, since it allows ANSPs and units to set their own validity period and align the assessments.

The Agency, therefore, maintains its original proposal with some editorial changes in order to clarify that the assessment is a prerequisite for the revalidation, thus the validity period of the unit endorsement and the cycle for competence assessment shall be identical for the reason of administrative simplicity and legal certainty. Therefore, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for the revalidation of the endorsement. This requirement provides certainty that the licence holder is competent at the time his/her unit

endorsement is submitted for revalidation. In response to the reactions received further clarification is added in the Implementing Rule regarding the three requirements to be met for the revalidation of the unit endorsement. In addition, AMC material is proposed to facilitate the understanding of what to consider as practical skills assessment for the purpose of revalidation of the unit endorsement and of the commencement of the unit endorsement validity in case of revalidation before the 3-month period foreseen.

Based on the comments received the Agency also introduced an explicit possibility to align the validity dates of endorsements and thus facilitate their revalidation by allowing a 30-day period for the commencement of the respective validities.

The derogation provided for in Article 31(2) of Commission Regulation (EU) No 805/2011 concerning the limitation of exercising of the privileges of a unit endorsement only to licence holders below a given age is not maintained. The Agency is of the opinion that for a safety reason Member States can always rely on the flexibility provisions provided by Article 14 of the Basic Regulation. Otherwise, and without a clear safety reason, such additional deviation possibility is easily misinterpreted as it seems to be often the case when it is linked to the nationally defined retirement age of air traffic controllers.

Unit competence scheme

Closely linked to the unit endorsements, ATCO.B.025 regulates the mandatory elements of the unit competence schemes that need to be established by the air navigation service providers. The non-exhaustive list contained in paragraph (a) is grouping together the elements required in relation to the validity and revalidation of the unit endorsements, such as the minimum number of working hours, competence assessments, continuation training, the exercise of the privileges in the cases of absences, and procedures necessary for the implementation of provisional inability. These subjects are to be covered by every unit competence scheme and should be made available to and known by the air traffic controllers working in that particular unit. To facilitate the implementation, AMC and GM are proposed related to the examinations and assessments during continuation training. As a result of the comments received during the NPA consultation and of the discussions held at the review meetings, the Agency believes that the assessment of refresher training subjects shall not be undertaken as part of the refresher course itself, but as part of the ATCO competence assessment, which is contained in the unit competence scheme. The subjects that are to be assessed as part of the refresher training are established in ATCO.D.080(b).

Following the necessities resulting from implementation feedback the Agency is also proposing a new GM related to the minimum number of hours to be accomplished by the air traffic controllers for the purpose of revalidating the unit endorsement. This new GM details that the minimum number of hours should be defined for each unit endorsement and it should be identical for each unit endorsement holder within the same unit.

Paragraphs (b) and (c) maintain elements from Commission Regulation (EU) No 805/2011 linked to the requirements and procedures defined in the unit competence scheme, which have been refined and adapted according to the comments received.

Language proficiency endorsement

The provisions in ATCO.B.030 to ATCO.B.045 regulate the issues related to the language proficiency endorsement and its validity, as well as the assessment of language proficiency and language training.

Although the Note attached to ICAO Annex 1 states that 'The language proficiency requirements are applicable to the use of both phraseologies and plain language', the Agency accepted the comments insofar as requiring conformity with the level 4 criteria and applying the holistic descriptors and the rating scale to phraseology is not appropriate; therefore, the reference to phraseology in ATCO.B.030(b) has been deleted. The proposed AMC and GM are adapted in order to reflect this change. At the same time it must be acknowledged that communication issues are amongst the biggest contributing factors to occurrences; therefore, and as a consequence of this change, the Agency reviewed the AMC level refresher training requirements with the view to ensuring regular refresher training on communication tools and means.

Following the responses received with regard to the questioned possibility of requiring extended level (level 5) proficiency for the reasons of safety, the Agency decided to maintain this possibility in ATCO.B.030(d) as in the current Regulation.

Regarding the validity of the language proficiency endorsement in ATCO.B.035(a), and taking into account the view of most of the commentators, the Agency proposes to reduce the 9-year revalidation requirement for level 6 language proficiency for the English language only and thus to exempt the local or national languages from this requirement. The Agency believes that this proposal is in principle also in line with those comments which requested an exemption for the native speakers, even though this term is not used in the proposed text as it is not clearly definable who should be considered native speaker.

This proposed change is aiming at limiting the safety risks potentially caused by the uncontrolled maintenance of expert level proficiency based on possible inadequate assessments and to establish means to detect and mitigate possible language erosion. Although this change results in a difference compared to the applicable ICAO SARPs, since the reassessment intervals are defined at recommendation level, the Agency considers that proposing a stricter requirement does not pose a problem for the Member States when fulfilling their obligations under the Chicago Convention. Moreover, the Agency has been informed that similar approaches have recently been discussed at several ICAO fora to be considered at global level.

Validity of language proficiency endorsement

Paragraphs (b) to (d) of ATCO.B.035 detail further procedural requirements for the revalidation and renewal of the language proficiency endorsement which have been further refined according to the comments received. Similarly to other endorsements, provisions are proposed on the revalidation process on how to count the validity period and on the requirements to comply with in case of expiry. An explicit possibility to establish the validity date of this endorsement has also been introduced to facilitate the alignment of revalidation dates by allowing a 30-day period from the date on the which the language proficiency assessment has been successfully completed for the commencement of the endorsement's validity date.

Assessment of language proficiency

ATCO.B.040 maintains the newly introduced requirements, accompanied with detailed AMC and GM material concerning the assessment of language proficiency. Following the

comments received the Agency clarified at Implementing Rule level that the method of assessment for the demonstration of language proficiency shall be approved by the competent authority. Besides, several commentators argued for the simple referencing of ICAO Doc 9835, Manual on the Implementation of ICAO Language Proficiency Requirements. The Agency did not accept those comments by explaining that the purpose of ICAO Doc 9835 is to provide support to the States' effort to comply with the provisions for language proficiency and provides guidance on how to achieve compliance with the language proficiency requirements. Therefore, the nature and formulation of the material is not purposed for mandatory use. Reproducing parts of it in the proposed Regulation puts emphasis on those high-level requirements, which are considered essential to comply with at European level in order to facilitate and strengthen the establishment of uniform language testing and assessment criteria. Introducing their mandatory application and ensuring their uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document. Regarding the AMC level material for the assessment of language proficiency the elements on the training and qualification of language proficiency assessors are moved to GM. The requirements on regular refresher training and ensuring objectivity are however kept at AMC level. The text of the latter provision is amended to be in line with the rules applicable to operational assessors following the comments received.

Language training

Following the considerations of the comments, the Agency is now proposing to place language training after the language proficiency requirements into a new provision named ATCO.B.045 and at the same time clarify, at Implementing Rule level, for whom the availability of language training is considered appropriate. This approach implies that language training, which was previously formulated as a non-mandatory element of continuation training, doesn't appear anymore in the air traffic controller training context. This helps to establish clarity on the elements of training, for which air traffic controller training organisations are to be certified. Furthermore, it allows for the unconditional use of the term 'continuation training' when it comes to the aggregation of refresher and conversion training, both for the purpose of traffic controller training organisation certification as well as for the purpose of defining the mandatory elements of the unit competence schemes.

2.7.3 Subpart C – Instructor and assessor certification

The requirements established for instructor and assessor certification have triggered many comments which guided the Agency to reformulate and simplify its initial proposal with the ultimate aim to establish full compliance with the relevant essential requirements of the Basic Regulation while providing for flexible solutions, where possible, to cater for specific local needs. To recall, the general requirement in Article 8c(8) of the Basic Regulation requires persons responsible for providing practical training or for assessing air traffic controllers' skills to hold a certificate. Such certificate shall be issued when the person has demonstrated compliance with the rules established to ensure compliance with the relevant essential requirements set out in Annex Vb. Furthermore, it is required that the privileges granted by that certificate are specified therein.

The draft Regulation maintains the newly introduced terms 'assessment' and 'examination', for which clear definitions are provided in Article 3. It is important to emphasise that the draft Regulation consistently uses the term 'assessment' when it comes to the verification of practical skills, and the term 'examination' when theoretical knowledge is verified. This

delimitation is important for the identification of the type of instructor necessary for a given task (theoretical or practical) or if a person holding an assessor endorsement is required. The delimitation between theoretical knowledge and practical skills can indirectly be understood from the two definitions. While theoretical knowledge is limited to the knowledge itself and its understanding by the person, practical skills include behaviour and the practical application of the acquired knowledge and understanding.

Despite of one commentator proposing to change for a separate certificate issued by the training organisation based on the requirements forming part of its management system, the Agency maintains its original proposal, which is based on the already existing OJTI endorsement and thus proposes the establishment of licence endorsements for all types of practical instructors and for assessors. This approach is taken into consideration for the establishment of the licence template as well. The novelty of the STDI endorsement is exactly the introduction of a category of certified personnel which is not required to hold a valid ATCO licence. Regarding, however, the way to obtain such certificate, Article 8c(8) of the Basic Regulation clearly requires that the person demonstrate compliance with the rules established to ensure compliance with the relevant essential requirements, meaning to comply with the common rules. Emphasis is put on the fact that this category of personnel is certified on the basis of common EU requirements, thus they benefit from the mutual recognition, which is only possible if the underlying requirements are harmonised in order to ensure the required level of mutual trust in the system. The approach suggested by that commentator would result in 'certificates' issued based on diverse requirements across the Member States, irrespective of the fact whether there is a competent authority approval attached to the underlying procedure and is, therefore, not accepted.

In line with the comments based on the relevant essential requirements the Agency revised the proposed provisions regarding the validity of both the instructor and assessor endorsements. The requirements are now simplified since the revalidation requirements are limited to the successful completion of the approved refresher training. With this change the Agency considers that the number of newly introduced assessments is significantly reduced, thus the redrafted proposal is favourable from the perspective of limiting the administrative burden to the necessary.

An explicit possibility to establish the validity date of the instructor and assessor endorsements has also been introduced to facilitate the alignment of revalidation dates by allowing a 30-day period from the date on the which the assessment has been successfully completed for the commencement of the endorsement's validity date.

Subpart C, Section 1 – Instructors

The proposal in NPA 2012-18 on STDI qualifications has been misinterpreted by many commentators linking the use of a tool or training device with the involvement of an endorsed STD instructor. Therefore, the privileges of the STDI endorsement are amended in order to clarify that it is the practical nature of the training required for a given subject which requires the involvement of an STDI and not the device or tool used for the training. It is the training requirements themselves which specify the distinction between theoretical and practical subjects and establish the need for the use of certain tools. The new proposal, therefore, states that the privileges of the STDI endorsement with regard to the initial training include the provision of practical training on simulators and part-task trainers for subjects of practical nature during initial training. For the purpose of basic training any rating held is appropriate. Besides, STDIs are also authorised to provide

practical training on simulators and part-task trainers for unit training other than OJT and for continuation training.

Regarding the temporary OJTI authorisation and due to the comments received, the associated GM (by which the exceptional circumstances for the issue of this endorsement were addressed) has been extended to include the situation of a change in the air navigation service provider, since it is likely to happen that a service provider may leave the unit with all its personnel, so no air traffic controllers that comply with the unit endorsement experience requirement remain, making it impossible to perform assessments during a period of time (established to one year). Therefore, the Agency considers it important to distinguish the previous situation amongst the already existing ones, and agrees to add it to the GM.

Subpart C, Section 2 – Assessors

The requested clarification concerning the different treatment of assessments leading to the issue, revalidation or renewal of a licence, rating or endorsement and assessments or continuous assessment during training is addressed via the amended definition of the term 'assessment'. This ensures that only 'final' assessments leading to the issue, revalidation or renewal of a licence, rating or endorsement are under the scope of the requirements relevant to the assessment and thus require the involvement of an assessor.

The single term 'assessor' has been kept for the category of personnel that is empowered to assess the practical skills of air traffic controllers. This does not prevent the establishment or maintenance of other categories of personnel at national level, provided that those categories do not interfere with the privileges of the assessor category established based on common requirements at EU level. The Agency sees no interference with the common rules if Member States wish to maintain several categories within the assessor category, based on experience requirements, or similar, leading potentially to different benefits, provided that the common qualification requirements are met for all categories. It is also important to highlight that these rules do not regulate the qualification or other requirements of examiners. The term 'examiner' is not used in the draft Regulation; reference is made, however, to 'examinations' which refer to the validation of theoretical knowledge and understanding, as defined in Article 3.

As already indicated in the response to the comment, the Agency proposes a different approach to assessors as compared to the initial requirements put forward in NPA 2012-18.

As a basic criterion for the application for an assessor endorsement the Agency proposes to require that applicants have exercised the privileges of an air traffic controller licence for at least 2 years and have successfully completed an approved assessor course, during which the required knowledge and skills are taught using theoretical and practical methods, and have been appropriately assessed within the year preceding the application. By establishing these basic requirements the particular situation for initial training assessments could be simplified. The Agency doesn't see anymore any particular difficulty for training organisations providing initial training only in requiring qualified assessors for the assessment of practical skills during initial training. Therefore, the need to empower STDIs undergoing assessor training to act as assessors during initial training does not exist anymore; STDIs without a valid unit endorsement can now obtain the assessor endorsement.

Since, however, these basic assessor requirements do not specify any operational experience, the required operational experience for certain assessments has to be further

detailed in the provisions on assessor privileges. In order to exercise the privileges of the assessor endorsement it is now required to have at least 2 years' experience in the rating and rating endorsement(s) relevant to the assessment. In addition, the Agency is proposing to require that the person hold the associated unit endorsement for 1 year when the assessment is leading to the issue, revalidation and renewal of a unit endorsement. It is important to mention that in such case, and for the purpose of ensuring supervision in the operational working position, the assessor shall also have an OJTI endorsement, or an OJTI with the valid unit endorsement appropriate to the assessment shall be present.

The issue of requiring the unit endorsement of the unit where the assessment is taking place has been widely discussed at the thematic review meeting, from which the Agency concluded that even though there are important safety-related factors in favour of requiring that assessors hold the unit endorsement of the unit they will assess, such requirement would be in many cases impossible to comply with (small units, independent assessors from those persons who have been involved in the training, introduction of a new service or changing the service provider for an existing service), which then would warrant the need for many different exemptions. Therefore, a differentiated approach has been proposed, for the reasons of safety, according to which the unit endorsement is only required for those assessments that are conducted for the issue, revalidation or renewal of a unit endorsement.

For other assessments, for example for those that are conducted on practical skills during initial training, the assessments of previous competence, or the assessments of applicant practical instructors and applicant assessors, there is no safety-relevant reason to require the assessor to hold the unit endorsement. The Agency is of the opinion that this differentiated approach fully satisfies the essential requirement of paragraph 4(h)(ii) of Annex Vb to Regulation (EC) No 216/2008, which requires the assessor on practical skills to be or to have been entitled to act as an air traffic controller.

However, to cater for the cases mentioned above, where it is likely to be difficult to meet this requirement, an alternative means is foreseen, namely the temporary assessor endorsement. In its amended proposal the Agency took good care to place exceptional situations and issues related to the independence of the assessment from the training process on equal grounds.

Some reactions call for reintroducing the specific exemption for units having less than three assessors. This has however not been supported already at the CRD stage, for the reasons of not being objective and not ensuring any mitigating means to ensure the equivalent level of safety. The Agency strongly agrees with the view that even small units with limited number of personnel should ensure the same level of safety and thus ensure that the assessments are conducted by appropriately qualified personnel. Applying any exemption should, therefore, be accompanied with a safety analysis and appropriate mitigation means. Thus, the possibility to issue a temporary assessor authorisation is suitable to cover the needs of small units. The Agency trusts that in those Member States where the current practice is to involve assessors from other units the appropriate safety analysis has been undertaken before establishing this practice. Therefore, complying with the proposed requirement of a safety analysis should not cause any difficulty.

The Agency fully understands that for example in the case of small units where ensuring the independence of the training and assessment process is a recurrent issue due to the limited number of qualified personnel available undertaking a safety analysis to specify the reasons for which the relevant unit endorsement requirement provided for in ATCO.C.045(d)(1) cannot be met and how the equivalent level of safety will be ensured by

other means for every single case would be burdensome and not appropriate. Therefore, GM is proposed to cover those situations leading to the issue of a temporary assessor endorsement that are of recurrent nature, which states that the safety analysis performed could encompass the recurrent nature of such situations and provide a basis for the issue of multiple temporary authorisations based on the same reason.

The privileges to assess applicant practical instructors or applicant assessors is now included in the assessor privileges, under the condition that the holder of the assessor endorsement also holds the relevant endorsement (STDI, OJTI or assessor endorsement) and has exercised the privileges of that endorsement for at least 3 years. Since assessors in this role assess the instructional and assessment skills of the applicant practical instructor or assessor, no current unit endorsement is required. Currency in this regard can be substituted by demonstrated knowledge of current operational practices. It is however evident that in order to be able to assess those skills, own experience of the subject matter is inevitably required.

Qualification of the instructors in the context of training

Despite being commented by one individual stakeholder, the Agency believes that the objectives of performance-based rulemaking are fully met with the subject proposal. The proposed rules are based on the relevant provisions and essential requirements of Regulation (EC) No 216/2008 and not on how training is currently provided in a great number of organisations, as the comment suggests. The Agency also believes that the proposed rules will not prevent innovation and better performance in this important domain. Moreover, the detailed scrutiny of the comments received has also provided the Agency with further helpful proposals on how certain provisions can be better allocated to AMC and GM material, as this comment also underlines. However, the particular comment on entrusting a major part of the practical air traffic controller training to instructors having never worked themselves in this profession is very subjective and was objected by the majority of stakeholders.

The relevant essential requirements distinguish clearly between theoretical instructors and instructors on practical skills, but amongst them only instructors on practical skills are required to hold a certificate based on Article 8c(8) of the said Regulation. Regarding the instructors on practical skills the essential requirements offer the possibility to act as an instructor on practical skills with a non-valid air traffic controller licence ('have been entitled to act as an air traffic controller').

In order to implement the second requirement, including the options offered, the aspects of practical training needed to be further analysed. However, and contrary to the comment, it is not this draft Regulation which redefines the subjects for the acquisition of which practical instruction is required. Initial training is divided into basic and rating training, both of which comprise subjects, subject objectives, topics and subtopics defined initially in the EUROCONTROL document 'Specification for the ATCO Common Core Content Initial Training (CCC)' and transposed — for the purpose of NPA 2012-18 — into the EASA system of Implementing Rules and Acceptable Means of Compliance. Within the CCC each objective bears a taxonomy level, which relates to the level of complexity of the task. The CCC defines that objectives within the ATM subject at taxonomy level 3 or higher are practical by nature and should be achieved through the use of a part-task trainer or a simulator. The CCC has been the basis of air traffic controller training in Europe since 2004 and is widely acknowledged and used through the ATM community. Since its transposition into IRs and AMC, NPA 2012-18 did not change the nature of the requirements; it is

considered that there is sufficient guidance on where to draw the line between theoretical and practical training.

The Agency trusts that even the commentator does not question that on-the-job training is practical by its nature, and requires instructors providing training and supervision at a working position to hold an air traffic controller licence as well as a valid unit endorsement. Such requirement results directly from the nature of the instruction undertaken, as well as from its implications regarding the responsibility for the safety of air traffic, which rests in such cases with the OJT instructor.

As a second step, the criterion of 'having been entitled to act as an air traffic controller' had to be translated into an Implementing Rule, which led to the proposal in NPA 2012-18, namely to differentiate two subcategories for practical instructors: the traditional on-the-job training instructor (OJTI) for which function holding a valid air traffic licence is indispensable, and the synthetic training device instructor (STDI) which offers a career possibility for air traffic controllers who do not anymore hold a valid unit endorsement, for example due to medical reasons or retirement.

Following this split it had to be considered what privileges to entrust to the synthetic training device instructors who do not hold anymore a valid unit endorsement. They of course cannot be responsible for live traffic, but instructing on synthetic training devices was considered to be the way forward, which does not adversely affect the current high level of safety. Both categories, i.e. OJTI and STDI, are required to hold a certificate demonstrating the practical instructional skills, which is proposed to take the form of a licence endorsement. Such endorsements, issued on common criteria, are then subject to mutual recognition within the EU.

Detailed qualification criteria as well as the privileges for both categories have been proposed in the said NPA, and some of which have been commented to a certain extent by stakeholders; however, the need for requiring a licence as air traffic controller, which is regarded as the proof of the relevant operational experience and is considered as an important factor towards ensuring safety, has only been questioned by a single stakeholder.

More than just a proof of the relevant operational experience, the air traffic controller licence is the only means which attests that the person in question has ever acquired operational experience (since without a licence no ATC service provision is allowed). Throughout the expert level discussions it has not been possible to 'replace' or 'exchange' the requirement for an air traffic controller licence with other means and to establish equivalence with the 'package provided by the licence' at Implementing Rule level.

One commentator considers that the above approach prevents innovation in air traffic controller training. The Agency, however, believes that the current draft enables training organisations to make use of a wide variety of training and assessment methods, techniques and media, so it is difficult to understand how innovation in training would not be possible. The draft IR does not advocate or oblige any training organisation to arrange its training so that 'theoretical knowledge precedes practical training' or that practical training 'develops by adding complexity to the traffic picture'. Training organisations are free to structure, order and combine their training events in any manner. The point at which a distinction is made is the need for separate examinations and assessments.

It does not automatically mean that if an organisation structures its training in a particular way then the qualifications of the training personnel can be changed. It is true that some system functionalities and processes may be taught by non-ATC personnel (or for that

matter using other methods, e.g. WBT); however, the integration of these functionalities into the acquisition of air traffic controller competencies remains the primary reason why there is a requirement for clear STDI and OJTI qualifications.

Regarding the primary function and role of air traffic controllers, which is to ensure safety while providing air traffic services, it is difficult to argue that the same approach and understanding at the level of the required complexity could be achieved by personnel who have, in most cases, never exercised the task themselves.

Air traffic controller training, as proposed in NPA 2012-18, follows the method of competency-based training, although the level of details established in the common rules varies between the different types of training. This is due to the fact that harmonisation of training requirements is considered the basis of mutual recognition of licences. Thus, without common requirements there are no objective grounds to establish the principle of mutual recognition. The level of detail is, therefore, extremely important for initial training, which leads to the issue of the mutually recognised student air traffic controller licence.

Although via the transposition of the already existing and applicable CCC requirements there are requirements in NPA 2012-18 which link certain training elements to the use of a specific level of synthetic training devices, this approach is not driven by attaching the use of certain training tools or means to defined instructor qualifications. On the contrary, the identification of the required instructor qualifications is driven by the complexity of the skills and competencies to be taught and acquired by the end of the training.

The Agency agrees that in this context a distinction need to be made between courses that teach generic skills (i.e. some elements of the instructor and assessor training) and ATC-specific courses. It is true that most of the skills of an instructor or assessor are exportable into other non-ATC environments, making it possible for non-ATC personnel to be involved in the teaching of this course. The same logic does not apply to practical ATC training because the skills being taught bear no resemblance to other non-ATC environments. It would be akin to advocating that it is acceptable for someone who holds a motor car driving licence to teach a student to fly a plane because the principles of transport are the same.

Instructors on practical skills need to be certified and for this purpose they shall, amongst other criteria, hold or have held an air traffic controller licence. Regarding practical skills training, the CCC is giving guidance on the delimitation for the purpose of initial training, while there is no question about the practical nature of on-the-job training.

It seems that many stakeholders misinterpreted the proposal in NPA 2012-18 on STDI qualifications and considered that it links the use of a tool or training device for whatever purpose with the involvement of an endorsed STD instructor. This is, however, not the case. The intention of the draft proposal was and still is to establish requirements to be met by instructors on practical skills, both on STD and on OJT. It is the training requirements themselves which specify the distinction between theoretical and practical subjects and establish the need for the use of certain training tools.

Taking into account those clarification needs the Agency amends its proposal with regard to the STDI qualifications in order to avoid those interpretations, according to which the use of STDs would at all times require an endorsed STD instructor. Such amendments do not, however, disregard neither the need for qualification requirements for instructors on practical skills meeting Regulation (EC) No 216/2008 nor the established and already applicable requirement to impart certain practical skills by certain training tools.

Following the evaluation of the comments received, as well as the expert discussions during the review of the comments, it is considered that this approach:

- is in line with the views of the majority of the stakeholders and experts;
- takes due account of the objectives of the Basic Regulation, namely to ensure a high and uniform level of safety;
- establishes proportionate requirements for practical instructors; and
- ensures a level playing field in terms of training tools used in air traffic controller training.

Subpart C, Section 3 – Instructors and assessors of third-country training organisations

No major comments have been received on this section; the text of the proposal is, therefore, maintained with minor amendments.

2.7.4 Subpart D – Air traffic controller training

Air traffic controllers are responsible for expediting and maintaining a safe and orderly flow of air traffic in the global air traffic control system. The position of the air traffic controller requires highly specialised skills. Air traffic controllers apply separation rules to keep aircraft apart from each other in their area of responsibility and move all aircraft safely and efficiently through their assigned sector of airspace; therefore, they have an incredibly great responsibility while on duty. In order to be able to safely and efficiently fulfil their tasks, air traffic controllers need to be appropriately trained.

Training shall be established and delivered to ensure that air traffic controllers acquire and maintain their competence to exercise a responsible task in a safe manner in all phases of their professional career.

Common and uniform training is also a key element for ensuring EU-wide recognition of the air traffic controller licence and thus a key factor in facilitating the mobility of air traffic controllers.

Subpart D establishes the requirements for air traffic controller training and its direct link with the issue and the maintenance of student air traffic controller and air traffic controller licences. It responds to Article 8c of the Basic Regulation and to its Annex Vb 4(b), 4(c) and 4(f).

General requirements

This section lists any training planned and delivered to student air traffic controllers and air traffic controllers, together with the related objectives. Compared to Commission Regulation (EU) No 805/2011 the overall objectives of air traffic controller training remain unchanged.

Commission Regulation (EU) No 805/2011 structured the air traffic controller training into initial, unit and continuation training as well as training for on-the-job instructors and assessors. This structure of the air traffic controller training is maintained in ATCO.D.005, with the exception of language training, previously being formally part of the continuation training, however usually delivered by different organisations specialised in language training. The reason for the change is provided in paragraph 2.7.2 of this Explanatory Note. The training to be undertaken by any air traffic controller is defined in paragraph (a), while paragraph (b) lists the optional training elements an air traffic controller may undertake for the purpose of further career development.

While many training organisations have already been providing pre-OJT voluntarily, this component is now introduced as a requirement for unit training for units where air traffic controllers handle complex and dense traffic situations. It follows transitional training and precedes on-the-job training.

An AMC to ATCO.D.005(a)(2) is proposed to specify cases where an applicant for a unit endorsement should undertake unit training, as well as GM on how to organise on-the-job training.

Initial training requirements

Initial training is the training that the applicant for a student air traffic controller licence shall undertake and successfully complete before an application for the student air traffic controller licence can be submitted, or by an applicant for the issue of an additional rating and/or, if applicable, rating endorsement in a licence. It is composed of:

- basic training, intended to impart the fundamental knowledge and practical skills related to the basic operational procedures in the ATS provision; and
- rating training, intended to impart knowledge and practical skills related to a specific rating and, in the case of ADI rating, the TWR endorsement.

Commission Regulation (EU) No 805/2011 established provisions for air traffic controller initial training in Annex II, Part A. This Regulation references EUROCONTROL Specification for the ATCO Common Core Content Initial Training, dated 21 October 2008, to establish training objectives for basic and rating training, and provides a list of the subjects to be taught.

To implement the essential requirements concerning the air traffic controller initial training included in Chapter 4 of Annex Vb to the Basic Regulation, it is necessary to develop provisions addressing the establishment of initial training courses. Section 2 of Subpart D proposes provisions concerning the composition of initial training into basic and rating training, the mandatory contents to be taught, examinations and assessments, performance objectives, as well as for the establishment of the initial training plan and the implementation of initial training courses.

As far as the content of initial training is concerned, the Agency has worked together with EUROCONTROL to transpose and update the content of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training, Edition 1.0, of 21 October 2008 into EU legislation and complement it with provisions related to examinations and assessments and to the implementation of air traffic controller initial training courses.

The reasoning for the transposition and its evaluation against other considered options (do nothing; dynamic or static referencing to the EUROCONTROL Specification for the ATCO Common Core Content Initial Training) is provided in Chapter 9 of the Regulatory Impact Assessment published in NPA 2012-18 (C). The RIA concludes that the transposition option is to be preferred as it ensures consistency with the EU safety objectives, provides the required legal clarity and offers the necessary flexibility for the future updates of the training content.

During the public consultation of NPA 2012-18 several stakeholders expressed their support for referencing the EUROCONTROL Specification for the ATCO Common Core Content Initial Training instead of the proposed transposition; however, in consideration of the rationale explained in the aforementioned RIA, the Agency is of the opinion that the

transposition is the most suitable solution to meet the safety objectives established by the Basic Regulation in full respect of the EU regulatory principles.

The Agency is aware of the need, represented by several stakeholders' comments to NPA 2012-18, for the future maintenance of the air traffic controller initial training requirements, as transposed into EU legislation. It is obvious that the Agency alone cannot possess and maintain such detailed knowledge and experience in air traffic controller training. Therefore, the Agency is considering the most suitable solution to timely establish a rulemaking task in which the affected stakeholders (authorities, ANSPs, training organisations, professional organisations, relevant international organisations such as EUROCONTROL) have the major role in defining and drafting the changes, which will be then channelled swiftly to the rulemaking process concerning the Agency measures. The involvement of subject matter experts from affected stakeholders is considered as a very important asset to ensure the future currency of these training requirements, being the key contributing tool to facilitate the recognition of licences. In order to provide flexibility for future updates and taking into account the comments received to NPA 2012-18 on this subject, the Agency has decided to propose to slightly change the methodology applied for the transposition as follows:

- subjects, topics and subtopics are transposed into Implementing Rules, resulting in Appendices 3 to 9 to the draft Regulation;
- subject objectives and training objectives are transposed into AMC to Appendices 3 to 9.

As requested by several stakeholders with their comments to NPA 2012-18, the AMC repeat also the subjects, topics and subtopics determining the subject objectives and training objectives, with a clear indication of their different regulatory status. With this approach, all the initial training common content is available in a single source document in order to facilitate its usability.

For readers not familiar with the structure of the basic training syllabi established by the EUROCONTROL Specification for the ATCO Common Core Content Initial Training transposed into EU legislation, explanatory material on the interpretation of the structure and a list of relevant acronyms can be found in the supplements attached to each of the 7 AMC to Appendices 3 to 9 to the draft Regulation.

Due to the date of initial publication of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training (21 October 2008), the Agency closely cooperated with EUROCONTROL in order to review and update the initial training common content. For this purpose, EUROCONTROL established a working arrangement with its subject matter stakeholders, the ATCO Common Core Content Training Task Force (ACCCT TF).

Due to the process employed, the reviewed and updated common content could not be published with NPA 2012-18, which contained the content of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training transposed with the adopted methodology on the basis of the following criteria:

- All references to the European Safety Regulatory Requirements (ESARRs) were removed from the proposed Implementing Rule. Where possible, an alternative reference to EU legislation was introduced. Wherever this was not possible the mandatory content remained empty.
- References to ICAO documents were reviewed for each training objective. Where no alternative EU legislation reference existed, the ICAO reference remained using the

following principles: Annexes and Doc 4444 to Implementing Rule and other ICAO publications (e.g. SUPPS, Technical Manuals, Air Navigation Plans) to either AMC or GM.

- Non-mandatory content (the 'e.g. content' of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training) was assigned either to AMC or GM, or was not included.
- AMC and GM contain references to any document when it was considered appropriate.

This review published with NPA 2012-18 took into account the new rating and rating endorsements structure proposed in ATCO.B.010 and ATCO.B.015. The necessary updates to the relevant appendices were introduced upon the Agency's request by EUROCONTROL with the support of the ACCCT TF.

The results of the review and update performed by the ACCCT Task Force were placed as comments to NPA 2012-18 during the public consultation period. For the purposes of the CRD, EUROCONTROL and the ACCCT Task Force supported the Agency in the analysis of all comments received on the initial training common content and in the consolidation of the initial training material. The results of the review and update exercise were made available to the public with the publication of the CRD to NPA 2012-18. The initial training common content published with this Opinion is unchanged.

The time until the publication of the Decision containing AMC and GM will be used to produce a specific update of the Initial Training Common Content in AMC to amend referenced ICAO provisions and EU legislation entering into force in-between, e.g. Commission Implementing Regulation (EU) No 923/2012.

ATCO.D.010 defines the composition of initial training. The training material is substantial in volume and has been therefore organised in:

1. Appendices to the draft Implementing Rule relevant to training

Seven appendices to the Regulation are established as an integral part of the Implementing Rule, one for each of the syllabi of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training, as follows:

- Appendix 3: Basic Training
- Appendix 4: Aerodrome Control Visual Rating — ADV
- Appendix 5: Aerodrome Control Instrument Rating for Tower — ADI (TWR)
- Appendix 6: Approach Control Procedural Rating — APP
- Appendix 7: Area Control Procedural Rating — ACP
- Appendix 8: Approach Control Surveillance Rating — APS
- Appendix 9: Area Control Surveillance Rating - ACS

Appendices 4 to 9 match the rating structure as proposed in ATCO.B.010. The appendices contain subjects, topics and subtopics of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training.

2. AMC to Appendices 3 to 9 to the draft Implementing Rule

The draft Decision related to this Regulation will contain seven AMC, one to each of the Appendices 3 to 9 to the draft Implementing Rule. The AMC to each appendix will include the subject objectives, corpus, taxonomy and content of the EUROCONTROL Specification for the ATCO Common Core Content Initial Training.

In the case of an individual intending to apply for an additional rating, or in the case of the ADI (TWR) rating also for the endorsement, the entire content of the respective appendix has to be imparted.

While the provisions in the appendices and the related AMC are applicable to all applicants, it is recognised that the national or FAB environment may require the addition of specific subjects, subject objectives, topics and subtopics. Examples might be civil/military coordination arrangements and procedures, or the phraseology of national language.

In consideration of the comments received during the NPA consultation, the sequence and the structure of the initial training provisions are modified for consistency. This implied a general change in the numbering of the provisions of Section 2, Subpart D, Annex I, if compared with the draft Regulation proposed with NPA 2012-18.

ATCO.D.015 requires the training organisation to establish an initial training plan and provides a list of its essential elements. The initial training plan is built on the initial training course and how it is implemented in the training organisation.

If during the life of the initial training plan none of the reasons for reviewing and/or amending the initial training plan occurs, the provision in ATCO.D.015(I) requires a review of the initial training plan at least every 3 years. The initial training plan shall be submitted to the competent authority for approval.

ATCO.D.020 contains provisions for the implementation of the initial training courses. It details how a training organisation can arrange and sequence the training, its obligations with regard to the approval of the initial training courses, as well as the required documentation to be provided with reference to the progress and completion of the training.

To respond specifically to paragraph 4(f) of Annex Vb to the Basic Regulation, the provision in ATCO.D.020(a) establishes that, like the components of initial training, basic and rating training shall be organised and provided as training courses. The training organisation has the choice to deliver the training as two separate courses or to integrate them into one course. ATCO.D.020(b) requires the training organisation to develop and submit the basic and the rating courses, or the integrated initial training course, to the competent authority for approval.

Examinations and assessments shall be kept separate for basic and any rating training in all cases.

ATCO.D.020(d) addresses the obligation of the training organisation to deliver a certificate of successful completion of the initial training or of the rating training undertaken for the issue of an additional rating.

As required in ATCO.D.020(e), particular attention has to be paid to the complete satisfaction of the subjects, topics and subtopics in Appendix 3 and the associated examinations and assessments before a certificate of completion of the basic training is issued.

ATCO.D.025 introduces the requirement to implement a system for both examination and assessment of knowledge, understanding and skills during the basic training course.

The applicant is required to achieve at least 75 % of the total marks allocated in an examination to pass. In consideration of the current practices in place at air traffic controller training organisations across the EU, the 75 % threshold constitutes a compromise discussed and agreed in the rulemaking group and confirmed by the review group for the CRD.

A common pass mark for practical skills cannot be established; the assessment of the performance objectives, established in the new provisions of ATCO.D.030, shall be successful and a pass mark awarded upon consistent demonstration of the performance requirements and appropriate behaviour for safe operations.

ATCO.D.030 defines the performance objectives for basic training to be assessed with the use of a part-task trainer or a simulator which are commensurate with the level of knowledge, understanding and skills expected from applicants for the basic training. The list of proposed performance objectives is based on EUROCONTROL 'Guidance for Developing ATCO Basic Training Plans' Edition 2.0 of 13 December 2010.

ATCO.D.035 introduces the requirement to implement a system for both examination and assessment of knowledge, understanding and skills during the rating training course(s).

As for the basic training (ATCO.D.025), the applicant is required to achieve at least 75 % of the total marks allocated in an examination to pass.

The performance objectives, to be assessed with the use of a simulator, are commensurate with the level of knowledge, understanding and skills expected from applicants for the rating training.

A common pass mark for practical skills cannot be established; the evaluation of performance objectives during the assessment shall be successful and a pass mark awarded upon consistent demonstration of the performance requirements and display of adequate behaviour for safe operations.

The performance objectives are contained in ATCO.D.040. The training organisation shall define performance objectives for each of the rating training courses. ATCO.D.040(b) contains the generic objectives applicable to all rating training courses and takes account of the advance of the applicant in training.

Specific performance objectives for each rating are detailed in ATCO.D.040(c) to (g).

The list of proposed performance objectives is based on EUROCONTROL 'ATCO Rating Training Performance Objectives' Edition 1.0 of 14 December 2010, where further guidance on the subject can be found.

Unit training requirements

Unit training is the training leading to the acquisition of the practical skills and site-specific knowledge appropriate to exercise the function of an air traffic controller. It consists of theoretical and practical training and ends with the issue of an air traffic controller licence with at least one rating with the appropriate rating endorsements, where applicable, and with a unit endorsement. It can also lead to the issue of an additional rating endorsement and/or a new unit endorsement, the validation of a rating or rating endorsement or the renewal of a unit endorsement.

To respond specifically to paragraph 4(f) of Annex Vb to the Basic Regulation, the provisions in ATCO.D.045(a) and (b) require that unit training shall be imparted via established training course(s); this (these) training course(s), named unit endorsement course(s) and defined in detail in ATCO.D.060, shall be developed and provided for each unit endorsement established in the unit training plan (as in provision ATCO.D.055) of the intended ATC unit. Unit endorsement courses shall be submitted to the competent authority for approval.

ATCO.D.045(c) establishes the composition of unit training. Although Part B of Annex II to Commission Regulation (EU) No 805/2011 established the requirement to include specifically safety, security and crisis management in unit training, paragraph 4(c) of Annex Vb to the Basic Regulation refers to operational procedures, task-specific aspects, abnormal and emergency situations, and human factors as items to be taught. Safety is inherent in the subjects, and security and crisis management aspects which are not related to the provision of air traffic control service are part of the health and safety obligations of an employer, and therefore not part of these draft provisions. As a consequence, the requirement in ATCO.D.045(c) mentions specifically abnormal and emergency situations and human factors as subjects to be taught in unit training, in addition to the operational procedures and task-specific aspects.

The definitions of abnormal situation and emergency situation are provided in Article 4 'Definitions' of the draft cover Regulation, in paragraphs 1 and 9 respectively.

According to ATCO.D.050 commencing unit training depends on holding a student air traffic controller licence or air traffic controller licence respectively and on meeting currency requirements set up in ATCO.B.001(d) and ATCO.B.010(b) as regards the exercise of the privileges of such licences.

ATCO.D.055 establishes the mandatory elements of the unit training plan in more detail than Part B of Annex II to Commission Regulation (EU) No 805/2011. The definition of unit training plan, which originally existed in the above Regulation, has been deleted since its mandatory content has expanded with the measures proposed in this Opinion.

The unit training plan, which shall be submitted to the competent authority for approval, is built on the unit endorsement course and how it is implemented in the unit training organisation. As there is more than one path to achieving a unit endorsement, the unit training plan also has to identify how to adapt the unit endorsement course for applicants with different experience and qualifications.

ATC units vary across Europe in their operation and in their links to their competent authority. Rather than creating exact provisions on the unit training organisation and training material, the new provision establishes the elements of the unit training plan and requires the definition of processes for the aspects where units differ, such as the process for early termination of training and the identification of specific records to be kept.

In the light of paragraph 4(c)(i) of Annex Vb to the Basic Regulation and in consideration of the differences in units, the abnormal and emergency situations to be taught during the unit training will need to be identified by every unit for each established unit endorsement course. The safety management system of the air traffic service provider responsible for the unit concerned may already contain related documentation to fulfil this provision.

As for initial training, the applicant is required to achieve at least 75 % of the total marks allocated to examinations to pass. This provision has been included following the discussion held with the review group for consistency purposes.

If during the life of the unit training plan none of the reasons for reviewing and/or amending the unit training plan occurs, the provision in ATCO.D.055(b)(15) requires a review of the unit training plan at least every 3 years. The unit training plan shall be submitted to the competent authority for approval.

ATCO.D.060 introduces the new term 'unit endorsement course'. As paragraph 4(f) of Annex Vb to the Basic Regulation requires the approval of a course for each type of training, this provision establishes the new element of a unit endorsement course. This course, for which a syllabus and performance objectives shall be defined, may be standardised for the students following the straight path from institutional training to unit endorsement; however, the duration may be tailored to each and every person following an individual path leading to the issue or renewal of a unit endorsement.

The training organisation has the choice to deliver the unit endorsement course by establishing a clear distinction between its phases or in an integrated manner. Criteria for the choice could be the operational concept and the duration of the unit training concerned.

For rating endorsements which are not part of the initial training requirements as defined in Subpart D, Section 2, the related training shall be provided during a unit endorsement course.

It is possible that applicants have obtained a student air traffic controller or an air traffic controller licence in another EU Member State, and therefore may not have received initial training on subjects specific to the national or FAB operational environment where the air traffic control unit is situated. In this case, the unit endorsement course shall include such specific elements.

The provisions in ATCO.D.065 and ATCO.D.070 establish requirements for examinations and assessments during unit training. Compared to Part B of Annex II to Commission Regulation (EU) No 805/2011, these provisions introduce requirements to also test theoretical knowledge and understanding in addition to assessing the skills of applicants.

Knowledge, understanding and skills can be tested by various means. The selection of the processes is left to the training organisation and has to be included in the unit training plan, as established in ATCO.D.055(b)(8) and (9).

The provision prescribes only a demonstration of skills at the end of the on-the-job training phase; however, assessments may be done more frequently, provided they are detailed in the unit training plan.

Synthetic training devices should only replace the operational real situation for procedures which could not be demonstrated during a practical assessment using real traffic, like for instance winter operations in summer, or emergency situations.

Continuation training requirements

Continuation training aims at maintaining air traffic controllers' skills and competence, and concerns all licensed air traffic controllers with a valid unit endorsement. It is an element of the unit competence scheme.

Continuation training is training given to licensed air traffic controllers and is designed to improve or maintain existing knowledge and skills. It includes refresher and conversion training. ATCO.D.075 establishes that continuation training is composed of refresher and conversion training. The changes compared to Part C of Annex II to Commission Regulation (EU) No 805/2011 are:

- the separation of conversion training from refresher training, which both shall be organised and provided by means of approved training courses; and
- the removal of language training from continuation training as a non-mandatory component, and the establishment of language training requirements under Subpart B 'Licences, ratings and endorsements' in ATCO.B.045. The rationale for this relocation is provided in paragraph 2.7.2 of this Explanatory Note.

Continuation training is to be provided in accordance with the provisions established in the unit competence scheme defined in ATCO.B.025.

As natural attrition leads to humans forgetting procedures and knowledge they seldom apply and recall, refresher training is required to maintain air traffic controllers' knowledge and skills, at least, at the minimum performance level. This is the reason why refresher training is a mandatory part of continuation training.

Conversion training aims at updating the knowledge and skills of air traffic controllers when new technical or operational elements are introduced into operations. A safety assessment for changes will determine if air traffic controllers need to be trained on the specific change to maintain their competence, or if a change can be absorbed in the daily working routine without specific training.

The provisions in ATCO.D.080 offer further details on refresher training. To respond specifically to paragraph 4(f) of Annex Vb to the Basic Regulation, the provision in ATCO.D.080(a) requires that refresher training shall be imparted by training organisations by means of an approved training course. Paragraphs 4(b) and (c) of Annex Vb to the Basic Regulation require that knowledge and skills appropriate to air traffic controllers' functions are maintained. In order to achieve this, ATCO.D.080(b) establishes that refresher training shall cover at least:

- standard practices and procedures, using approved phraseology and effective communication;
- abnormal and emergency situations training, using approved phraseology and effective communication;
- human factor training.

The Basic Regulation also requires proportionality to the level of risks associated with the type of service air traffic controllers provide, as well as with the inherent complexity. This proportionality is achieved by attaching the topics, processes, duration and frequency of refresher training to the unit competence scheme which is specific to a unit endorsement, rather than being prescriptive in this section.

Refresher training for abnormal and emergency situations is an important element of continuation training because air traffic controllers do not routinely experience such situations. Additionally, these situations often require the application of non-standard procedures and increase the workload. The exposure of air traffic controllers to identified emergency and abnormal situations will often make the workload manageable, should a similar event occur in real operations.

Phraseology is an integral part of dealing with abnormal and emergency situations, so its effective use in refresher training is paramount. Wherever possible, standard phraseology should be used although it is recognised that there will be some abnormal and emergency situations for which there is no standard phraseology available.

ATCO.D.080(c) details the pedagogical requirements of refresher training courses.

In order to respond specifically to paragraph 4(f) of Annex Vb to the Basic Regulation, the provision in ATCO.D.085(a) requires that conversion training is imparted by training organisations by means of an approved training course. The provisions in ATCO.D.085(b) and (c) offer further details on conversion training during which the air traffic controllers acquire new knowledge and skills, should this become necessary following a change in the operational environment. The need for such training shall be substantiated by the safety assessment of the underlying changes. Taking into account the reactions to the CRD it should be highlighted that the approval of the change and its safety assessment would not include the approval of the conversion training itself, it only justifies the need for such training course, if required. The approval of the conversion training is a separate and consequent process thereof. As air traffic controllers will have to integrate the knowledge and apply the skills in the operational environment after the training, an examination or assessment is necessary to confirm the acquisition of knowledge or skills. It is left to the training organisation to decide if such confirmation has to be undertaken by an assessment or an examination, as it will depend on the objective of the conversion training. The training organisation shall also ensure that each air traffic controller receives the relevant conversion training before exercising the privileges of his/her licence in the changed operational environment for which the safety assessment concluded that such training was necessary.

Training of instructors and assessors

According to ATCO.D.005(b) air traffic controllers may undertake further training for the purpose of their career development. Based on ATCO.D.090, and to train practical instructors (either OJTIs or STDIs), training organisations shall develop and provide a practical instructional techniques course for the issuance of OJTI or STDI endorsement with a corresponding refresher course on practical instructional skills for the purpose of revalidation or renewal of these endorsements. In addition, the methods for assessing the competence of practical instructors shall be defined. Both training courses and assessment methods shall be approved by the competent authority.

Regarding the training requirements themselves, AMC material is proposed to assist training organisations in developing competency-based training. Further AMC material is proposed for the practical instructor competence assessment as well.

For the purpose of training assessors, and based on ATCO.D.095, training organisations shall develop and provide an assessor training course for the issuance of the assessor endorsement with a corresponding refresher course on assessment skills for the purpose of revalidation or renewal of this endorsement. In addition, the methods for assessing the competence of assessors shall be defined. Both training courses and assessment methods shall be approved by the competent authority.

Regarding the training requirements themselves, AMC material is proposed to assist training organisations in developing competency-based training. Further AMC and GM material is proposed for the assessment of assessor competence as well.

2.8. Annex II – Part ATCO.AR – Requirements for competent authorities

This Opinion proposes changes compared to the content of Commission Regulation (EU) No 805/2011 with regard to the requirements applicable to competent authorities. However, the public consultation shows a wide acknowledgment of the fact that the proposed transition, in the form of up to a 24-month opt-out period, ensures the possibility

of a smooth transition for the competent authorities to amend their national systems to the new regime.

Part ATCO.AR contains six subparts covering general requirements, management, oversight and enforcement, the administrative procedures for air traffic controller licensing, the certification procedure of air traffic controller training organisations, and the specific requirements relating to aero-medical certification.

A significant number of commentators requested the Agency to align as much as possible the provisions related to competent authorities with the existing ones relevant to other aviation domains (e.g. aircrew and air operations as well as aerodromes) and with the proposed requirements for the ATM/ANS providers and safety oversight thereof (NPA 2013-08), unless there is a sector-specific reason for them to be different, since in most cases the authority responsible for the oversight of ANSPs and training organisations is the same body for more than one aviation domain. Following this principle the draft proposal has been reviewed with the aim to clarify certain obligations and without compromising the safety while reducing the burden on the competent authorities.

2.8.1 Subpart A – General requirements

For the successful implementation of the subject Regulation in the current global environment, performing a detailed assessment of the resources available at competent authority level is proposed to carry out the allocated tasks, similarly to other existing ATM/ANS legislation (and with the draft proposed in NPA 2013-08) and following the principle of allocation of the empowerment requirements relevant to competent authority personnel. Therefore, ATCO.AR.A.005 has been amended with an additional paragraph, namely to produce and update every two years an assessment of the human resources needed based on the analysis of the processes required.

Paragraph (c) of ATCO.AR.A.005, which has been introduced during the comment-review process, is now deleted. The Agency agrees with the reactions stating that even the personnel acting on behalf of the competent authority should meet the same qualification criteria when it comes to conducting assessments for the issue, revalidation or renewal of the unit endorsement. Alternatively, they may certainly benefit from the exemption provided in the form of the temporary assessor authorisation.

ATCO.AR.A.010 has been revised to mirror the obligations of the competent authorities required across the rule. Taking into account the reactions to the CRD it needs to be pointed out that the main purpose of the subject provision is to list the tasks of the competent authorities. Further details on the allocation of tasks to qualified entities or assessors are specified and regulated in the subject-specific subparts, namely management and issue, revalidation, renewal, suspension and revocation of licences, ratings and endorsements respectively.

Following the principle of alignment of the competent authorities' requirements with the existing ones relevant to other aviation domains, the former Article 6 of the cover Regulation dealing with the means of compliance alternative to the AMC issued by the Agency has been divided into two separate provisions, namely ATCO.AR.015 and ATCO.OR.010 from the perspective of the authorities' and organisations' responsibilities respectively.

The provision on 'Information to the Agency' has only been renumbered to become ATCO.AR.A.020.

Following a proposal received during the public consultation, a new provision ATCO.AR.A.025 mirroring the requirements of ATCO.OR.A.040 is created with the criteria for the reaction to safety problems. The Agency agreed that the requirement to allow for immediate reaction to established causes of accidents and serious incidents needed to be established in order to be aligned with a similar provision existing already in the field of aircrew, air operations and aerodromes.

2.8.2 Subpart B – Management

With a view to achieving a realistic implementation of the safety management procedures through SSP as required by ICAO, there is a growing support within the ATM/ANS community for the need to also harmonise the management systems of the competent authorities. Without new rules at EU level that incorporate the SSP requirements, the harmonisation of the management system requirements would be very difficult – if not impossible – to achieve.

The competent authorities in other aviation domains have already been required to upgrade their systems and procedures to the new SSP-based authority requirements introduced with Commission Regulations (EU) Nos 290/2012 and 965/2012 as well as in the forthcoming Aerodromes Regulation. It should be noted also that within the competent authorities of some Member States the oversight of aerodromes, air traffic controllers licensing and certification, and ATM/ANS is combined within one functional unit. Towards a total system approach these management system-related requirements are harmonised and it would, therefore, be logical to meet the requirements for the air traffic controllers' licensing and certification authority along the same lines to achieve full alignment.

The rules in Subpart B require competent authorities to establish and maintain a management system in order to comply with their obligations and to discharge their responsibilities as required in Part ATCO.AR. The main elements of such management system are identical to typical management system requirements applicable to an organisation's:

- documented policies and procedures (ATCO.AR.B.001);
- sufficient and adequately qualified personnel, including the obligation to plan the availability of personnel (ATCO.AR.B.001);
- adequate facilities and accommodation (ATCO.AR.B.001);
- function to monitor compliance of the management system, including nomination of a person or group of persons responsible for the compliance monitoring function (ATCO.AR.B.001);
- nomination of management personnel for the different areas of activity (ATCO.AR.B.001);
- need to ensure that certification and oversight tasks performed on behalf of the competent authority conform to the applicable requirements (ATCO.AR.B.005);
- system to identify changes that affect the management system and to take action to ensure it remains effective (ATCO.AR.B.010); and
- record-keeping system to ensure traceability of the activities performed (ATCO.AR.B.015).

Following this principle, and aiming at ensuring consistency between the different provisions within the rule, the list for record keeping has been amended with the allocation

of tasks to qualified entities, as well as the details thereof, and the evaluation and notification to the Agency of Alternative Means of Compliance proposed by organisations and the assessment of Alternative Means of Compliance used by the competent authority itself.

In addition to the NPA consultation's feedback, some further provisions in the subject Subpart have been editorially revised to better clarify the intention of the rules.

2.8.3 Subpart C – Oversight and enforcement

This Subpart provides to the competent authority the necessary elements on how to interact with regulated persons and organisations. It describes general oversight principles, addresses the elements of the oversight programme and details the specific actions, roles and responsibilities of competent authorities with regard to raising findings and undertaking enforcement measures for personnel.

ATCO.AR.C.010 includes general requirements for competent authorities when detecting non-compliances with the applicable requirements by a person holding a licence and the situations that may require the competent authority to take measures in its enforcement tasks as applicable to persons. During the consultation some stakeholder organisations reacted to those provisions, contesting the need for oversight of the personnel and claiming that the oversight programme should cover only organisations. It should be considered that a large portion of the Implementing Rules proposed in Part ATCO.AR are based on existing requirements, and the eight ICAO critical elements (CE) of a safety oversight system, in particular CE-7 (Surveillance obligations) and CE-8 (Resolution of safety concerns) in reference to the provisions in question, were taken into account.

2.8.4 Subpart D – Issue, revalidation, renewal, suspension and revocation of licences, ratings and endorsements

This Subpart contains provisions for application, issue, revalidation and renewal of licences, ratings and endorsements that are further elaborated compared to Commission Regulation (EU) No 805/2011. The new element of this procedure is the possible authorisation of assessors to revalidate and renew unit endorsements and their obligation to submit the required information thereafter, if the competent authority decides to use this possibility.

With the increasing mobility of the air traffic controllers, one of the principles applied during the rule development was the principle of 'one licence'. To support this approach a common licence format is proposed in Appendix 1 to the draft Implementing Rule to facilitate the mutual recognition of the licences, and thus the mobility of air traffic controllers. It was developed following the specifications for personnel licences as required by ICAO Annex 1. Taking into account the changes on instructor and assessor certification, some of the parts of the licence template compared to those proposed in NPA 2012-18 have been redrafted.

During the consultation process some comments addressed the reference to 'EUROPEAN UNION' in the licence template. One commentator suggested the subject reference to be removed arguing that this statement goes against the free movement of persons (which can be achieved through bilateral agreements) and the recognition of the licence. With the CRD to NPA 2012-18 the Agency responded that the issue of the licence is a result of a licencing process confirming that the applicant meets the requirements of the subject Regulation being EU law with regard to the Treaty on the Functioning of the European Union. For these reasons the Agency considers that the subject needs to be addressed in a

general manner (for example to establish a different template for the EEA States), and kindly invites those States to address it under the framework of the EEA agreement.

Several comments were received on the format and size of the licence. The Agency considers that moving towards a common European electronic licence would necessitate more thorough discussion at EU level as it should be facilitated by a database where the privileges are stored and maintained, including the necessary software for sharing of information and personal data between Member States. Therefore, since such database is not included in the scope of this rulemaking activity, the Agency invited affected stakeholders to specify further their proposal and propose the modalities of a future rulemaking task for this purpose.

With regard to the language endorsement being listed as item XIII on the licence template, some commentators expressed their concerns as it would lead to confusion. Via the CRD to NPA 2012-18 the Agency advised the commentators that one of its objective as set up by the legislator is to assist Member States in fulfilling their obligations under the Chicago Convention by providing a basis for a common and uniform implementation of its provisions and by ensuring that its provisions are duly taken into account. The proposed licence format is in line with the Specifications for personnel licences as required by ICAO Annex 1. The remarks under item XIII should include special endorsements relating to limitations and endorsements for privileges, including as of 5 March 2008 an endorsement of language proficiency, and other information required according to Article 39 of the Chicago Convention. The Agency draws the stakeholders' attention to the fact that changing the requirements would require filing appropriate differences to ICAO. Furthermore, it should be pointed out that following these principles item XIII (Remarks) of the common licence format for pilots also reflects the language proficiency endorsement in accordance with the current EU legislation. At this stage the Agency does not see justified reasons for deviating from those ICAO provisions. Based on the comments received during the NPA consultation and the discussion held at the thematic review meetings the provision on reissue of an ATCO licence has been merged into the one related to the procedure for the issue, revalidation and renewal of licences, ratings and endorsements.

In addition, Subpart D addresses the situations that may require the competent authority to take measures in its enforcement tasks, as applicable, complimenting the provisions set up in ATCO.AR.C.010 (Findings and enforcement measures for personnel). Only limited changes were undertaken in this field. The main issue raised by stakeholders during the consultation phase was the notification of the suspension or revocation of assessor endorsement to the relevant air navigation service provider. These comments were considered and the text is now reworded to clarify the issue. Furthermore, the provision on invalidity of the examinations and assessments conducted by a holder with irregular assessor endorsement was moved to Guidance Material.

2.8.5 Subpart E – Certification procedure for air traffic controller training organisations

The proposed Subpart E defines the specific requirements for competent authorities taking due account of the introduction of the competent authority's management system related to:

- the certification of air traffic controller training organisations;
- the interaction of the competent authority when a training organisation decides to implement changes to its organisation; and

- the required actions when non-compliances are detected, and enforcement measures thereto.

To facilitate the mutual recognition of the training organisations' certificates a uniform format for such certificates is introduced, which is to be found in Appendix 10 to the draft Implementing Rule. The option for the certificate to be issued for each type of training or in combination with other air navigation services has been removed based on the comments received during the NPA consultation. A commentator proposing this amendment argued that the certification of an air traffic controller training organisation is different from the certification of an air navigation service provider, meaning that different certification processes are to be followed on a different legal basis and different requirements are to be met. Furthermore, the introduction of the mandatory certificate format makes the combination of the type(s) of training with air navigation services not feasible.

The only significant change to this Subpart is the amendment of a new provision (ATCO.AR.E.005) on the approval of training courses aiming at ensuring the necessary oversight requirements mirroring the organisation's provision laid down in Subpart ATCO.OR.D. Furthermore, based on a reorganisation of the subject provision, the necessary elements related to the approval of the courses referred to in the framework of the exchange of licence, and more precisely the arrangements on approval or rejection of the unit endorsement course, have been moved herein.

Some reactions questioned in this context the 6-week time frame available for the competent authority to approve or reject the unit endorsement course established following an exchange of a licence according to ATCO.A.010 arguing that it would make more sense to take into account the different situations in each country and/or FAB with respect to work processes. The Agency assessed this view being against equal opportunities when it comes to the mobility of air traffic controllers. The Agency considers that the establishment of a maximum period for the approval is of utmost importance to prevent administrative obstacles. Furthermore, the Agency does not see how different situations in the Member States or FAB environments would exist in this regard taking into account that the 6-week time frame has already been established in Directive 2006/23/EC and is consequently taken over to Commission Regulation (EU) No 805/2011, thus it shall already be applicable in all Member States.

2.8.6 Subpart F – Specific requirements relating to aero-medical certification

Medical certification of aviation professionals, namely air traffic controllers and pilots, requires the competent authority to certify aero-medical examiners (AMEs) and aero-medical centres (AeMCs). This is laid down in Articles 7 and 8c of the Basic Regulation, and in the pertaining Annexes III and Vb thereto, and no distinction is made between AMEs and AeMCs with the privilege to issue medical certificates for pilots or air traffic controllers.

Presently AMEs issue medical certificates for air traffic controllers only, or for pilots only, or for both groups of professionals. In addition, some competent authorities approve and oversee AMEs and AeMCs with the privilege to issue medical certificates for air traffic controllers and for pilots. This will continue after the implementation of the common European rules for air traffic controllers.

Subparts A 'General', B 'Management' and C 'Oversight', as well as the enforcement of Annex II could apply for aero-medical certification and aero-medical centres in addition to this specific Subpart F. However, it has to be noted that the Aircrew Regulation also regulates the oversight of AMEs and AeMCs with the privilege to issue medical certificates

for pilots. These rules do not differ substantially from the ones in this draft Regulation for the licensing and medical certification of air traffic controllers, but they are worded and structured differently.

It was considered to be difficult for competent authorities as well as for AMEs and AeMCs to follow Implementing Rules for an identical task (e.g. oversight with regard to medical certification) which are worded and structured differently. Therefore, this NPA is proposing to reference the Aircrew Regulation where medical certification is concerned (ATCO.AR.F.005) and include in this Regulation only provisions relating to aero-medical certificates and forms that are needed for the medical certification of air traffic controllers which are explained below.

The provision ATCO.AR.F.010 on the medical certificate outlines the content of the medical certificate and the roman numbers that relate to each element. It also requires the use of specific paper and specifies the language(s) used on the certificate and format of dates.

AMC1 ATCO.AR.F.010 shows a layout of a medical certificate. This layout has not been included in the Implementing Rules because some Member States prefer to have more information on the medical certificate than the absolute minimum, e.g. a copy of the provision ATCO.MED.A.020 ('Decrease of medical fitness') for information of the air traffic controller, dates of last and of next tests such as electrocardiogram (ECG), and more. It was therefore considered that the format of the medical certificate should better be placed in an AMC, provided that the essential items are in an Implementing Rule.

The AME certificate, detailed in ATCO.AR.F.015, contains the scope of the privileges of an AME. The format of the AME certificate is laid down in Appendix 11 to the draft Implementing Rule and is the same as the one provided for in the Aircrew Regulation and the privilege to issue class 3 medical certificates has been added. The same addition will be made in the Aircrew Regulation when amended. An AME will therefore hold only one certificate that indicates all privileges.

The same approach as for the AME certificate has been followed for the AeMC certificate in ATCO.AR.F.020.

ATCO.AR.F.025 deals with aero-medical forms. AMEs and AeMCs who issue class 3 medical certificates may also have the privilege to issue medical certificates for pilots. The application form for a medical certificate and the examination report form for pilots, as provided for in the Aircrew Regulation, have therefore been amended to include air traffic controllers. The same change will be made in the Decision supporting the Aircrew Regulation.

The format of the application form and the examination report form are provided in AMC1 ATCO.AR.F.025.

The reason for amending the existing forms is that the information needed from the applicant and the way a medical examination is conducted are the same for both aviation professionals. The forms are already in the IT systems of AMEs, AeMCs and competent authorities and it would therefore be impractical to require a different format that would not provide more or better information or reports.

2.9. Annex III — Part ATCO.OR — Requirements for air traffic controller training organisations and aero-medical centres

2.9.1 Subpart A — General requirements

The content of this Part has been built upon the requirements contained in Chapter IV of Commission Regulation (EU) No 805/2011. As already mentioned in the Agency's Opinion No 03/2010, the Agency's first phase work was limited to minor changes and technical updates that were considered absolutely necessary. As explained in the said Opinion, the intention has always been to expand the requirements contained first in Directive 2006/23/EC and then in Commission Regulation (EU) No 805/2011 for approved training organisations to cover all the aspects foreseen in and required by the Basic Regulation, in particular the essential requirements set out in point 5(c) of Annex Vb, and to align with the requirements applicable to such organisations contained in ICAO Annex 1, in particular with point 1.2.8 and Appendix 2 and Appendix 4, and also in the draft of the future ICAO Annex 19 to the Convention on International Civil Aviation¹³. The proposed changes are considered to complete and complement the existing requirements.

The main objective of the proposed changes is to provide a common regulatory framework for training organisations in order to apply for and to maintain a training organisation certificate to provide air traffic controller training.

It is important to highlight that there are different types of training organisations: (i) training organisations (that are not necessarily part of the air navigation service providers) providing initial training for air traffic controllers to allow the issue of a student air traffic controller licence, and (ii) training organisations providing unit or continuation training, which are mainly part of the air navigation service provider or air traffic service unit. The safety risk associated to the activities of the training organisations is higher in the case of training organisations providing unit training, in particular when providing on-the-job training because, although under the supervision of a properly qualified instructor, the person undertaking training to become an air traffic controller provides the air traffic control service. Taking into account this aspect, the proposed training organisation requirements are general so that they can be applied to all training organisations. However, in some provisions the wording 'where relevant or applicable' has been used. It has been further clarified in non-binding material to be understood as applicable to those training organisations which provide unit training and in particular on-the-job training.

The major difference in the requirements applicable to them is that training organisations providing on-the-job training may have a direct impact on aircraft operations. While both types of training organisations have to implement a management system, only those having a direct impact on aircraft operations can perform risk assessment and mitigation in relation to their services or activities. This is the concept foreseen in ICAO Annex 1 and also in the draft ICAO Annex 19. The management system of other training organisations is oriented to ensure the quality of the training provided so as to ensure that the air traffic controller is able to perform the duties safely.

The sole provision in Subpart A, ATCO.OR.A.001, defines the scope with the intention to state the content of the Part ATCO.OR and also to indicate whom this Part applies to. The definition of the scope of this Part intends also to clarify that air navigation service

¹³ The draft ICAO Annex 19 does not foresee major changes to the requirements on SMS or SSP but mainly a repetition of the content of Appendix 4. The new Annex has not been adopted yet.

providers providing training to air traffic controllers according to the training requirements specified in Subpart D of Part ATCO shall, for this activity, comply with the requirements relevant to air traffic controller training organisations and obtain and maintain a certificate to this end.

2.9.2 Subpart B – General requirements for air traffic controller training organisations

ATCO.OR.B.001 describes the application for a training organisation certificate. This requirement originates from Article 18 of Commission Regulation (EU) No 805/2011. Paragraph 3 of Article 18 of said Regulation has been moved to a separate provision dealing with the granting of access to the facilities, as this requirement is not only valid for the certification but also for the oversight of the training organisation. The provisions have also been complemented by adding the obligation to demonstrate compliance with the Basic Regulation as well as with the subject Regulation. Furthermore, this provision defines the elements that need to be submitted together with the application for a training organisation certificate. Paragraph (c)(2) requires specifying the address(es) of the ATC units in which unit training is provided. Obviously that requirement does not apply to training organisations not providing unit training. In this regard, and since the type of training to be delivered is understood to be an important element upon which the training plans are based, paragraph (d)(5) makes it necessary to declare the type(s) of training that are intended to be provided. The provision in ATCO.OR.B.010 concerning the terms of approval and privileges of a training organisation certificate is a general requirement. Even if the existing Regulation does not clearly contain this requirement, it is assumed to be applied today by common sense. However, for legal reasons it is necessary to explicitly include this requirement. The associated AMC is proposing a possible way to comply with this requirement by addressing the terms of approval and the conditions attached to the certificate through the management systems, including also the cases where the training organisation outsources activities to contractors.

ATCO.OR.B.015 defines the requirements applicable to changes to the training organisation. Once the training organisation has obtained a certificate, the conditions under which the certificate is issued as well as the documents and procedures approved as part of the certification process do not usually remain unchanged. This new requirement is needed to ensure that training organisations may change specific elements that might affect the certificate without the need to be recertified. Such elements are listed in the associated GM. For such cases it is important to establish requirements that will clearly define what is required from the training organisation to carry out the change, as well as the relationship between the training organisation and its competent authority with regard to the change. This new provision requires the training organisation to agree with the competent authority on a procedure for dealing with changes. Such procedure needs to define: (i) changes that need to be notified to the competent authority, and the assessment of the change needs to be approved by the competent authority before the change is implemented; (ii) changes that only need to be notified to the competent authority; and (iii) changes that do not need to be neither notified nor prior approved by the competent authority before the change is implemented. AMC and GM are provided to support training organisations in complying with these requirements, and to assist training organisations in developing and proposing such procedure as well as competent authorities in what is considered acceptable.

ATCO.OR.B.015 is necessary to ensure that the conditions under which the certificate has been issued are managed so that the level of safety or quality of the services (training) provided remains unchanged or improves whenever possible.

ATCO.OR.B.015 is also implementing point 3.2 of Appendix 4 to ICAO Annex 1; however, the wording has been amended to make it more general and to better reflect the two types of training organisations.

ATCO.OR.B.020 on continued validity is also a new requirement which clarifies that the validity of a training organisation certificate remains unlimited subject to its continued compliance with the applicable requirements. Similar requirements have been introduced in other fields of aviation and are supporting the concept of continuous oversight over training organisations rather than a recertification following the expiry of a certificate of limited duration. This provision aims at reducing administrative burden on the training organisation and also on the competent authority and it is promoting the risk-based oversight by which the competent authority should concentrate efforts on the identified issues. The idea behind is to avoid that both training organisations and competent authorities put unnecessary efforts on the recertification instead of concentrating on solving the issues identified during the continuous oversight.

The provisions in ATCO.OR.B.025 concerning access to training organisation facilities and data are based on the already existing obligation stipulated in Article 18(3) of Commission Regulation (EU) No 805/2011. The provision has been slightly amended based on the comments to better clarify the intent and to include that any person who acts on behalf of the competent authority (in order to carry out the tasks associated to it) shall also be granted access. ATCO.OR.B.025 also implements one of the essential requirements in Annex Vb, paragraph 5(c).

The provisions in ATCO.OR.AB.030 concerning findings are not new requirements. The aim is to clarify the responsibilities of the training organisations once the competent authority has identified non-compliances with the applicable requirements during the oversight. The requirements follow the process foreseen for the competent authority when carrying out its oversight of the training organisations and are linked to the provisions in ATCO.AR.E.015. Two GM have been developed to explain further details of the corrective action plan and to identify which competent authority can raise findings as part of its audits.

The provision in ATCO.OR.B.035 concerning immediate reaction to a safety problem is a new requirement, which is necessary to ensure that training organisations comply with the safety measures issued by the competent authority in case it has identified a safety risk, mainly based on in-service experience, that could have been mitigated by a change in the air traffic controller training content or method (together with other mitigation measures).

ATCO.OR.B.040 on occurrence reporting is a new requirement that has been introduced for the training organisations that are providing on-the-job training and are directly involved in aircraft operations. Some experts argued that this requirement was duplicating a similar requirement already imposed on air traffic service providers. However, the Agency considers that this reporting requirement is necessary since occurrence may take place in an ATS unit but come as a result of an incorrect training content or method when the person is undertaking on-the-job training and as such it is related to the training organisation.

2.9.3 Subpart C – Management of air traffic controller training organisations

This Subpart is developing further the requirements of Article 19 of Commission Regulation (EU) No 805/2011. The provisions in ATCO.OR.C.001 concerning the management system of training organisations are not new but they build on existing requirements and complement those with a generalisation of the common elements of quality and safety management systems required for training organisations by points 4 and 5 of Appendix 2

and of Appendix 4 to ICAO Annex 1. The content of the proposed provision is not an exact copy of the requirements in ICAO Annex 1, as the Agency has generalised the required elements for safety and quality management and has integrated them into a generic management system which can be adapted to the size, nature or complexity of the activities provided by the training organisation. AMC and GM are provided to specify what is considered to be acceptable. As already explained above, a distinction has been made for the reasons of proportionality between the training organisations providing on-the-job training and other training organisations, and to facilitate the implementation of the rules. The main difference is that a training organisation providing on-the-job training is directly involved in the provision of air traffic control services and, therefore, it shall implement a management system oriented to manage safety (i.e. safety management system) of the services and quality of the training provided. For other training organisations the management system is oriented to ensure the quality of the training provided. In addition, it has also been clarified that for training organisations which are also ATC units (the same organisation is a training organisation and an air traffic service provider), the management system of the air traffic service provider could be considered as an Acceptable Means of Compliance against this provision if the management system covers the activities related to training. Based on the ICAO Document 9841, and in particular Appendix B thereto, AMC and GM have been developed for the requirement on compliance monitoring. However, within NPA 2012-18, the Agency has not provided any AMC or GM neither on the training and procedures manual nor on any other documentation. This shall be done in a separate rulemaking task.

ATCO.OR.C.005 covers the requirements applicable to contracted activities. The training organisation usually performs its activities itself. However, in case it decides to contract certain activities to a separate entity, there is a need to ensure that the activities are carried out in compliance with the applicable requirements and the responsibility for the training provision remains with the training organisation.

The provisions in ATCO.OR.C.010 on personnel requirements were already required by Article 19(a) of Commission Regulation (EU) No 805/2011 and also implement point 7 of Appendix 2 to ICAO Annex 1. However, the requirement has been made more explicit to ensure that the training organisation has a minimum of defined functions within the organisation (accountable manager, person responsible for training). These functions could be performed by the same person. In addition, and as part of the functions defined, there are requirements regarding a particular type of personnel such as instructors (e.g. theoretical instructors, STDIs) and assessors. AMC is related to the requirements for the STDI while GM is related to the functions defined by providing examples on the typical functions and experience requirements of the person(s) responsible for training. The elements contained in Article 19(f) of Commission Regulation (EU) No 805/2011 have been addressed in a specific provision.

The provisions in ATCO.OR.C.015 on facilities and equipment are new and necessary in order to further elaborate the requirements of the Basic Regulation, in particular those in the essential requirements of point 5(d) of Annex Vb. It is very important to ensure that the training organisation has adequate facilities to provide the training to ensure that the air traffic controllers' qualification guarantees the safe provision of air traffic control services. The requirements are complemented with AMC and GM on the use of and specifications for synthetic training devices used for training purposes. In the context of this Regulation only two categories of synthetic training devices are used, which are the simulators and the part-task trainers, as these are the synthetic training devices requiring

an STDI endorsement from the instructor. They are also a mitigation for the risk identified in cases where training is provided with real traffic and the instructor would not have the means to intervene if the situation required so (e.g. a conflict was detected and the person undertaking training does not demonstrate the ability to resolve it). These provisions are also implementing point 6 of Appendix 2 to ICAO Annex 1.

ATCO.OR.C.020 on record keeping is already required by Article 19(e) of Commission Regulation (EU) No 805/2011 and is based on point 8 of Appendix 2 to ICAO Annex 1. It further elaborates the requirements of the Basic Regulation, in particular those in the essential requirements of point 5(d) of Annex Vb. To ensure traceability of the activities of the training organisation, that the training organisation is able to work in a systematic manner, and that it can retrieve the activities performed in the past so as to know what activities are needed to be performed in the future (improve), or what were the reasons for certain actions, there is a need to keep relevant records for a given period of time. The records to be kept are specified in the proposed amendment itself (e.g. in the case of professional qualifications, instructional techniques assessments and training organisation's management procedures). Moreover, the training organisation and the competent authority may further agree on additional records needed to be kept depending on the way the training organisation has organised its documentation. AMC provides an indicative list of records that should be kept.

ATCO.OR.C.025 on funding and insurance addresses the elements contained in Article 19(f) of Commission Regulation (EU) No 805/2011, making it necessary for the training organisation that the activities to be carried out are economically viable and that sufficient insurance coverage is available in case any situation so requires. To this regard, and in order to introduce clarity, AMC complements the provision.

2.9.4 Subpart D – Requirements for training courses and training plans

This Subpart takes the requirements of Article 20 of Commission Regulation (EU) No 805/2011 and consolidates them into one single provision in ATCO.OR.D.001 on requirements for training courses and training plans. The content of former Article 20 has been amended to take into account the changes made to the training requirements in Part ATCO, Annex I (e.g. deleting the references to unit competence schemes). The modifications have been necessary to ensure that the approval of the organisation is linked to the type of training provided and the training requirements of the proposed amendments.

2.9.5 Subpart E – Requirements for aero-medical centres

Initial medical certificates for aviation professionals, namely air traffic controllers and pilots, are issued by aero-medical centres (AeMCs). AeMCs are organisations as specified in the Basic Regulation (Articles 7 and 8c, and in the pertaining Annexes III and Vb), and no distinction is made between AeMCs with the privilege to issue initial medical certificates for pilots or air traffic controllers.

Presently AeMCs issue initial medical certificates for air traffic controllers only, or for pilots only, or for both.

Subpart A 'General' of Annex III could apply for AeMCs in addition to this specific Subpart E. However, it has to be noted that existing AeMCs follow the general and specific rules of the Aircrew Regulation, e.g. regarding their management system. These rules do not differ substantially from the organisation requirements in this draft Regulation, but the provisions concerned are worded and structured differently.

It was considered to be difficult for AeMCs to follow slightly different Implementing Rules, e.g. to implement marginally different management systems, one provided for in the Aircrew Regulation and one in the future Regulation on the licensing and medical certification of air traffic controllers. The proposal in this NPA, therefore, is to reference the Aircrew Regulation where organisation requirements for AeMCs are concerned and not to provide similar, but not identical, rules in this NPA.

Subpart AeMC, therefore, contains only one provision, ATCO.OR.E.001, detailing the reference to ORA.GEN and ORA.AeMC.

2.10. Annex IV – Part ATCO-MED – Medical requirements for air traffic controllers

2.10.1 Introduction to Annex IV

Annex IV to this Opinion provides the Implementing Rules for the medical certification of air traffic controllers and is structured as follows:

Subpart A contains the general rules on medical certification for aero-medical examiners (AMEs) and air traffic controllers; Subpart B details the specific medical rules; and Subpart C lays down the rules for AME certification.

The Agency received a total of 61 reactions on CRD 2012-18 (B.II) 'Part ATCO.MED' from 8 industry organisations, 3 national authorities and 1 individual. 41 reactions referred to Subpart A and paragraph ATCO.MED.B.001, while 5 reactions were general comments, 10 reactions were placed on different medical issues in Subpart B and 5 reactions referred to editorial errors in Subpart C.

The distribution of the reactions relevant to the medical domain is shown in Figure 5 below.

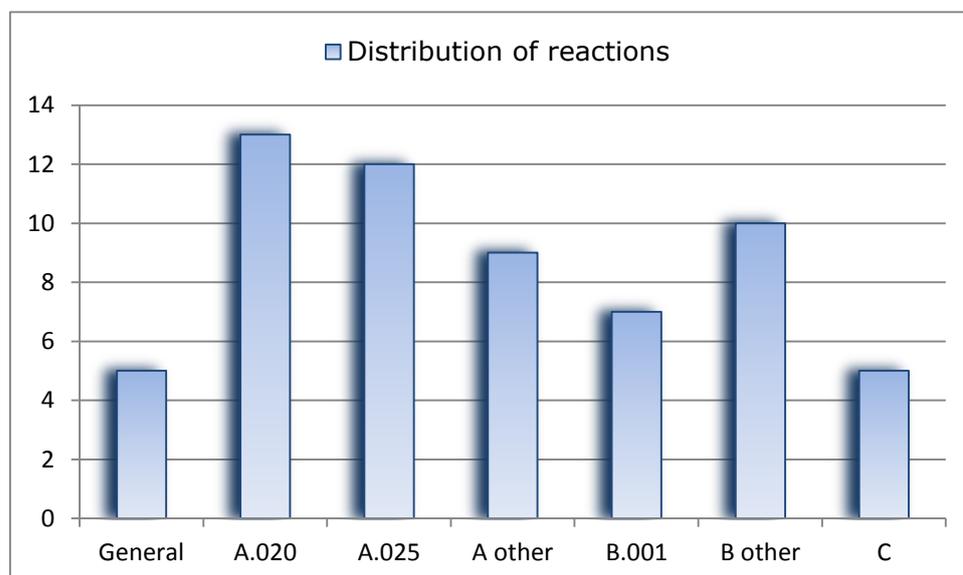


Figure 5: Illustration of the proposed applicability and transitional arrangements

2.10.2 ATCO.MED.A.001 Competent authority

The expression 'principal place of business' was asked to be replaced by 'principal place of operation'. This paragraph needs to be the same as in Part MED (Aircrew Regulation) where the expression 'principal place of business' is used. The reason is not to confuse AMEs who already hold an AME certificate with the privilege to issue class 1 and class 2

medical certificates and who may wish to extend their privileges to class 3. The text remains unchanged for this Opinion.

2.10.3 ATCO.MED.A.010 Definitions

The definition for 'assessment' has been amended to make it easier to understand.

The definition for 'licensing authority' received one reaction saying that this term may cause misunderstandings. However, in the meantime AMEs and competent authorities are using this expression without problems when referring to the specific competent authority that issued the licence. The text remains unchanged for this Opinion.

2.10.4 ATCO.MED.A.020 Decrease in medical fitness

This paragraph deals with the obligation of ATCOs not to exercise the privileges of their licence if there is a decrease in medical fitness, and to contact an AME or AeMC in specific cases which are detailed in subparagraph (b). Two of these situations caused concern with industry stakeholders, namely (a)(2) on any prescribed or non-prescribed medication which is likely to interfere with the safe exercise of the privileges of the licence, and (b)(5) on pregnancy.

Medication: The reactions, as well as previous comments to the NPA on medication, asked to add 'they believe' to MED.A.020(a)(3) to read '...medication they believe is likely to interfere with the safe exercise...'.

The text for the Opinion remains unchanged because 'they believe' is too open for a rule text. If an ATCO is not sure whether or not a specific medication could interfere with safety, he/she should contact an AME to get his/her advice. However, in order to support the decision as to when to contact an AME, the Agency will add Guidance Material to the Agency Decision on Annex IV. The ATCO has to consider the underlying medical problem which leads to taking medication and may have to contact the AME in any case due to the medical condition. Subparagraph (b)(2) also states that an AME or AeMC has to be contacted in cases where the ATCO commences regular use of medication.

Pregnancy: An ATCO has to contact the AME or AeMC when she is pregnant. The reactions asked to add 'when they know' or insert 'confirmed' for (b)(5) to read: 'when they know they are pregnant' or 'when pregnancy is confirmed'.

The text for the Opinion remains unchanged because both options could lead to contacting the AME only later in the pregnancy instead of 'without undue delay' as it is required. One reaction asked to use the text that is in ICAO Annex 1, but paragraph 6.5.2.21 only states 'Applicants who are pregnant shall be assessed as unfit unless obstetrical evaluation and continued medical supervision indicate a low-risk uncomplicated pregnancy' and does not mention the fact that the pregnant ATCO has to contact the AME.

The Agency is of the opinion that an ATCO who suspects a pregnancy could do a self-test which is available in all drug stores and contact an AME if the result is positive.

2.10.5 ATCO.MED.A.025 Obligations of AeMC and AME

(b)(2): It is an obligation of an AeMC or AME to inform the applicant for a medical certificate of the consequences of any limitation placed on the medical certificate. Several stakeholders asked to specifically inform the ATCO about 'medical consequences' of a limitation, and not consequences in general. It should be noted that consequences of a limitation are not necessarily 'medical', such as undergoing a specific medical examination or test at regular intervals, but that the limitation can have consequences in the

operational environment, such as specific arrangements of the workplace, e.g. for an ATCO with paralysis of an arm, or who is in a wheelchair. This will be arranged with the air navigation service provider but it is noted as limitation on the medical certificate. The text for the Opinion will remain unchanged.

(b)(3): The aim of this subparagraph is to explain that an unfit assessment could be revised if new evidence shows that safety will not be endangered if a medical certificate is issued. In the NPA the text required the AeMC or AME to inform an applicant who has been assessed as unfit of his right of a secondary review. Comments to the NPA led to the deletion of 'secondary' in the CRD. The reactions indicated that stakeholders do not agree with 'review' only either.

The issue of 'secondary review', 'review' or also 'appeal' has been under discussion for many years also for pilots where it has been impossible to draft a corresponding procedure that would be acceptable to all Member States. The reason is that the harmonised aviation laws under the competence of the EU and the different national medical laws under the competence of Member States were sometimes conflicting.

The conclusion was that the best option is to delete subparagraph (b)(3) and to leave it to Member States to provide their AMEs with guidance on what do to if an ATCO asks for a revision of an unfit assessment. This is also in line with the Agency's policy not to overregulate.

2.10.6 ATCO.MED.A.046 Suspension or revocation of a medical certificate

Following reactions this paragraph was split into two subparagraphs to make a difference between suspension and revocation of a medical certificate.

2.10.7 ATCO.MED.B.001 Limitations to medical certificates

(b)(2): Stakeholders asked to delete this subparagraph which says that 'the applicant's ability, skill and experience' should be taken into account when assessing the medical fitness of a person who does not fully meet the medical requirements. The reason for this paragraph was to keep an ATCO whose medical situation is deteriorating in the system although he/she may not fully comply with the requirements. The Agency considers that by deleting only 'ability' and 'skill' this possibility for revalidation of a medical certificate would be partly kept and the text for the Opinion has been changed accordingly.

2.10.8 ATCO.MED.B.005 General

Subparagraph (b) has been deleted as one stakeholder rightly pointed out that this would rather be an authority requirement.

2.10.9 ATCO.MED.B.070 Visual system

ATCO.MED.B.070(f): One reaction proposed the addition of a testing method (Parinaud 2 and 6). This has not been done because the wording 'N5 (and N14) chart or equivalent' leaves an option to also use the Parinaud. The text for the Opinion will remain unchanged but it will be considered to add Parinaud to the corresponding AMC.

2.10.10 ATCO.MED.B.080 Otorhinolaryngology

ATCO.MED.B.080(a)(4): The hearing requirements no longer contain the subparagraph on the required outcome of pure-tone audiometry at initial examination. The required results for revalidation were kept and will apply to all examinations, including initial examination where pure-tone audiometry is required. Two stakeholders asked to bring back the higher initial rules.

It has been a general aim to abolish differences between initial and revalidation criteria as far as possible. The revised hearing requirements as outlined in Part-ATCO.MED.B.080 are in line with the ICAO Standard 6.5.4.1. Higher standards for initial applicants are therefore not needed. The text for the Opinion will therefore not be amended.

ATCO.MED.B.080(a)(5): One reaction has been made to allow hearing aids for initial applicants. Although differences between initial and revalidation criteria should be minimised, this reaction was not taken into account. The reason is that a degree of hearing problems that require hearing aids to be worn is not acceptable for an initial applicant who cannot rely on previously acquired ability, skill and experience.

2.10.11 Amendments to the rule text

Several medical technical rules have been slightly amended following stakeholders' reactions, these changes are self-explanatory in the rules. The affected rules are ATCO.MED.B.010(b)(1) on aortic aneurysm and (c)(4) on suspension of privileges while therapy for high blood pressure is initiated, ATCO.MED.B.015(c) on asthma requiring medication, and ATCO.MED.B.070(a)(3) on tonometry. One paragraph has been added to ATCO.MED.070 to require ATCOs with a large refractive error to use contact lenses or high index spectacle lenses. This paragraph has been moved from AMC to IR level.

2.10.12 Medical certificate vs student air traffic controller licence

One commentator has been asking for the medical certificate to be a prerequisite to start the initial training in order to ensure that students would not undertake the training if they might be declared as 'unfit' afterwards — for the reason of fairness. Although this might be honourable, it should be noted that the subject draft Regulation does not concern the access to the training, but to the licence. Moreover, the medical fitness of an applicant may change over time, thus there is no guarantee that a fit assessment before the start of the training is maintained when it comes to the issue of the licence. For these reasons the requirement of providing a valid medical certification remains valid for the issue of both the student air traffic controller licence and the air traffic controller licence.

Done at Cologne, on 2 December 2013.

(signed)
Patrick KY
Executive Director

3. References

3.1. Affected regulations

- Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 206, 11.8.2011, p. 21)

3.2. Affected decisions

Not applicable.

3.3. Reference documents

- Commission Regulation (EU) No 805/2011 of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 206, 11.8.2011, p. 21)
- Annex 1 to the Convention on International Civil Aviation (Chicago Convention)
- EUROCONTROL Specification for the ATCO Common Core Content Initial Training — Edition 1.0 — Edition date: 21.10.2008
- EUROCONTROL Guidelines for the Requirements for European Class 3 Medical Certification of Air Traffic Controllers

4. Appendices

4.1. Appendix 1

Cross references between the relevant provisions of ICAO Annex 1 on Personnel Licensing and the proposed draft Regulation.

ICAO ANNEX I	Proposed draft IR text	Subject
Language proficiency		
1.2.9.6	ATCO.B.030 ATCO.B.035	Language proficiency
Student air traffic controller		
4.3.1	ATCO.B.001	Student air traffic controller
4.3.2	ATCO.B.001(a)	Medical fitness
Air traffic controller licence		
4.4.1	ATCO.B.005	Requirements for the issue of the licence
4.4.1.1	ATCO.B.005	Age
4.4.1.2	AMC Part ATCO, Subpart D, Section 2	Knowledge
4.4.1.3	ATCO.B.005	Experience
4.4.1.4	ATCO.B.005	Medical fitness
Air traffic controller ratings		
4.5.1	ATCO.B.010	Categories of air traffic controller ratings
4.5.2.1	ATCO.B.010 AMC Part ATCO, Subpart D, Section 2 ATCO.D.030 ATCO.D.040	Requirements for air traffic controller ratings Knowledge
4.5.2.2.1	ATCO.B.005	Experience
4.5.2.2.2	ATCO.B.020 ATCO.B.025	

ICAO ANNEX I	Proposed draft IR text	Subject
4.5.2.2.3	ATCO.B.055	
4.5.2.3	ATCO.D.055	Skill
4.5.2.4	ATCO.B.005(a)	Concurrent issue of two air traffic controller ratings
4.5.3.1	ATCO.B.010	Privileges of the holder of the air traffic controller rating(s) and the conditions to be observed in exercising such privileges
4.5.3.2	ATCO.B.005	
4.5.3.3	ATCO.C.010 Article 3(15)	
4.5.3.4	ATCO.B.010(b) ATCO.B.025	Validity of ratings