



European Aviation Safety Agency — Rulemaking Directorate
Comment-Response Document 2012-18 (A)

Licensing and medical certification of air traffic controllers
(Explanatory Note)

CRD to NPA 2012-18 (A) — RMT.0153 (ATM.003(a)) & RMT.0154 (ATM.003(b)) — 01/10/2013

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1. Individual comments and responses

In responding to comments, a standard terminology has been applied to attest the Agency's position. This terminology is as follows:

- (a) **Accepted** — The Agency agrees with the comment and any proposed amendment is wholly transferred to the revised text.
- (b) **Partially accepted** — The Agency either agrees partially with the comment, or agrees with it but the proposed amendment is only partially transferred to the revised text.
- (c) **Noted** — The Agency acknowledges the comment but no change to the existing text is considered necessary.
- (d) **Not accepted** — The comment or proposed amendment is not shared by the Agency.

(General Comments)	-
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comment 243

comment by: SWISS AERODROMES ASSOCIATION

From an operational point of view, the proposed regulation has impacts on aerodromes as well and these impacts are by far not all increasing efficiency or cost efficiency. Constraints on ATC impact on aerodrome operations and not only where aerodromes operators also are ANSPs.

Regulatory inflation is not enhancing safety per se. EASA recognizes that the current situation does not show significant safety risk (RIA, page 7, General Objectives). Therefore, the objective of maintaining the high level of safety and to facilitate the movement of persons in a level playing field with proportionate and cost efficient rules does not require new regulatory material to such an extent, at least as smaller aerodromes are concerned.

The degree of details of the draft regulation is not accompanied by adequate flexibility and proportionality tools to avoid undesired negative effects. We appeal for the principle "One rule does not fit all" to be reflected in a better way in the regulation.

One of the issues which raise concerns is the further loss of flexibility for the Member States (Explanatory Note, page 8/9) in the proposed regulation. Regional and local aerodromes with limited traffic - for which the European level playing field is not a primary concern - should be eligible for simplified schemes in the ATM domain as well and therefore Member States enabled to grant deviations.

The proportionality issue is also a concern and in general, the economical impacts are often negative (Table 10). The change in the surveillance system for instance (RIA, page 40/41) is assessed as negative. The RIA admits that Options 1 and 2 will impose a burden on ANSPs and that for smaller service providers which cannot generate economy of scale effects, the costs per traffic controller for the required activities will be higher. With the Options 1 and 2, the proportionality score is negative. Therefore Option 0 should be the privileged one in this case.

response

We therefore recommend a general review of this NPA in order to take action towards more flexibility and proportionality in the intended regulation. As far as options are open for choice and within the frame of a pragmatic and well understood safety objective, the ones granting the highest flexibility and proportionality - under consideration of the lowest cost impacts - have to be retained.

For comments on specific, more detailed and technical issues, we would like to refer to those provided by ERAC, European Regional Aerodromes Community. Our Association is a member of ERAC.

Noted

Loss of flexibility and proportionality issue:

This draft rule concerns the licensing and medical certification of air traffic controllers, irrespective of the aerodromes they are eventually working at — if they are working at an aerodrome at all. The fact that there is a difference in the size and complexity between aerodromes does give grounds for diverse rules or national deviations when it comes to the qualifications and licensing and medical certification of air traffic controllers. From the organisations' point of view this draft rule does not concern aerodrome operators, only air navigation service providers and air traffic controller training organisations.

Surveillance Rating System and proportionality issue:

The Regulatory Impact Assessment (RIA) identified a negative impact for small ANSPs, but overall the economic impact is neutral.

Proportionality and economic issues:

Generally, pending more information from ANSPs and competent authorities regarding their current national legislative framework and quantitative information on the specific impacts foreseen by them, the identified impacts are deemed to be valid. With the transition period established by the NPA 2012-18 it is foreseen that the potential additional costs would be smoothly introduced and counterbalanced by other positive aspects, like better working conditions through harmonised requirements (e.g. training requirements), support to ATCO mobility and to the recognition of licences, thanks to this regulatory harmonisation.

General review of the RIA:

Unless more precise and significant information is given, especially on the impact foreseen by the commentator on aerodromes and aerodrome operators, a general review of the RIA cannot be undertaken.

comment

244

comment by: Luca Valerio Falessi

The central role of the Competent Authority of the ANSP should be reaffirmed.

In particular all the safety oversight related to Unit Training, should be concentrated under the responsibility of the Authority competente for the ANSP of the Air Traffic Service Unit where the privileges of the licence are exercised.

response

Therefore this Competent Authority should have alle the oversight responsibility over:

- Unit Endorsment;
- Approval/Acceptance of Training Plan and Competence Schemes;
- On-The-Job training provision;
- Provisional inability;
- Doubt of Competence.

In case of Cross Border Service provision this does not prevent that oversight/approval task could be transferred to the local Competent Authority.

Justification

This NPA proposes an intricate tangle of competence among the various competent authorities, without giving any specific justification.

All the activities closely related to service provision in the ATSU should be under a single point of responsibility, which has also responsibility over ANSP SMS.

Accepted

The Agency agrees with the comment and considering the importance of the subject Article 4 on competent authority is revised in order to further clarify who the competent authority is for the oversight of the requirements of Annex I relevant to ANSPs.

The resulting text is:

'6. For the purpose of Annex III, and for the oversight of the requirement of Annex I relevant to air navigation service providers, the competent authority shall be:

a. the authority nominated or established by the Member State as their national supervisory authority where the applicant has his/her principal place of operation or its registered office, if any, unless otherwise provided in bilateral or multilateral agreements between Member States or competent authorities;

b. the Agency if the applicant has his/her principal place of operation or its registered office, if any, outside the territory of the Member States.'

comment

245

comment by: *Luca Valerio Falessi*

Mandatory replacement of ATCO licence cannot be mistaken for mutual recognition of licence, being the exact opposite

For a real implementation of mutual recognition, there should be a simple transfer of responsibilities between the Authorities, as i happens for Flight

Crews and Aeronautical Technicians.

Justification

The NPA text proposes the mandatory replacement (unless there's an agreement between the concerned States) of licence when an ATCO intend to exercise the licence privileges outside the territory of the member State which issued the licence.

This procedure, if applied, would be the negation of mutual recognition of licence, which could not be used in other States, while Flight crews and Aircraft Technicians are able to exercise the privileges of their licence in every Member State without replacement.

Therefore that two improvement should be made:

- introducing a "transfer of responsibility" between Competent Authorities instead of replacement of licence, as it happens for flight crews.

- focusing the responsibility of oversight over the licence upon the CA of the ANSP, so that the oversight could be done integrally by the CA that already approves the ANSP which employs the ATCO.

It's to be noted that procedures for transfer of responsibility are easier and faster to implement than the replacement of the licence.

In addition, this solution could allow seasonal transfer of controllers in different countries (for example during summertime at seasonal busy airports), without the need of exchanging two licences everytime

response *Not accepted*

The principle of recognition of licences is fully ensured insofar as the relevant privileges contained in the licence are recognised. The exchange of the licences is however an administrative requirement, which is to facilitate the mutual recognition in an environment where, for historical reasons, the licence includes privileges that are only valid at a given geographical location and thus cannot be subject to mutual recognition. The established procedure for the exchange of licences is to facilitate the mobility of air traffic controllers as well as the tasks of the competent authorities related to the issue of the new unit endorsement.

comment 247

comment by: *Luca Valerio Falessi*

Unit training should be moved to the ANSP regulation (current 1035/2011) , while the correspondent oversight function should be introduced in Oversight Implementing Rule (current 1034/2011) regulation.

Justification

Present ATCO licence regulation derives from ESARR 5.

When ESARR 5 was conceived, there was no ANSP certification regulation available, therefore some of the most intimate ANSP functions have been dealt with in the ATCO licence regulation charter.

This situation has been replicated with Directive 237/2006 and regulation 2096/2005, and in 2011 with the two "copy and paste" EASA regulations 805/2011 and 1035/2011.

While ab-initio training can be performed in separate organisations, Unit Training is one of the most qualified segment of the Air Traffic Service Provider, because:

a) it is one of the pillars of the safe and efficient service provision;

b) unit training always involve a certain degree of service provision as a part of the On-The-Job training.

As a matter of fact, no ATSP can be certified without its own training department able to prepare its own Unit Training Plan and Unit Competence Scheme, and able to perform On The Job Training for its ATCOs.

Given the present situation, this part of compliance checking is completely separate from basic certification, and takes place under another rule, with the issue of another certificate, the training organisation certificate.

Therefore moving Unit training into the certification regulation is more simple and efficient, especially for those small and medium size ATSP which do not intend provide basic training to ATCOs within their managerial domain.

On the other hand, no unit training organisation can be certified without a certain degree of involvement in provision of services. In particular, the On-The-Job-Instructor, must be an ANSP employee, because it is responsible for the service provision during the OJT phase.

Being a major review of the proposed text, no alternate text is given

response *Not accepted*

Following the decision of the Member States the implementation of the Basic Regulation is not pursued in the so-called horizontal rule structure but by thematic regulations, each of them covering the full scale of their segment. Thus, all elements and requirements of air traffic controller training and

requirements applicable to air traffic controller training organisations are covered in this draft Regulation.

comment

249

comment by: *Luca Valerio Falessi*

No local language requirements for area operations.

Local language requirements should be maintained only for airports and approaches

Justification

Local language requirements are one of the element which can jeopardise free movements of ATCOs.

If those requirements are in some way justified at airports and approaches, they are unjustified in the area sectors, where English language is used by the overwhelming majority of ATSPs and external.

response

Not accepted

Although the Agency is in general in favour of establishing more harmonised requirements to facilitate further the freedom of movement of ATCOs, in this case, however, it does not see the justification for limiting the possibility of imposing 'local language' requirements for APP and TWR units only.

comment

250

comment by: *Luca Valerio Falessi*

The difference between minimum ages of ATCOs and SATCOs should not exceed one year.

Therefore, we believe that one of the two options should be selected:
STATCO 18 years, ATCO 19 years

STATCO 20 years, ATCO 21 years

Justification

The 3 years difference was a compromise between those Members Statea with 18 years (age of majority) and those complying with ICAO standards for ATCOs (21 years).

Since the STATCO licence does not allow autonomous service provision, the three years gap cannot be justified from any operational or financial point.

In addition this wide time gap may decrease the competence of the 18 years

	old STATCO, waiting for the beginning of the unit training.								
response	<p><i>Partially accepted</i></p> <p>The minimum age to be issued with an air traffic controller licence is removed. This solution in practice results in the minimum age of 18 years old, which allows alignment with the standard age of maturity existing in the Member States and with the age for a person to be issued with a student air traffic controller licence. In any case, irrespective of the alignment with regard to the age, the principles remain since it is necessary to be issued with a student air traffic controller licence and complete unit training prior to the issue of the air traffic controller licence.</p>								
comment	<p>267 <i>comment by: Swiss International Airlines / Bruno Pfister</i></p>								
	<p>SWISS Intl Air Lines takes note of the NPA 2012-18 without further comments.</p>								
response	<p><i>Noted</i></p>								
comment	<p>268 <i>comment by: Civil Aviation Authority Norway</i></p>								
	<table border="1"> <tr> <td data-bbox="359 1142 694 1254">OJT and monitoring communication requirement</td><td data-bbox="694 1142 1444 1254">OJTI monitoring communication (radio frequency and telephone) – mandatory. Should this be reflected in the regulation?</td></tr> <tr> <td data-bbox="359 1254 694 1523">3rd country licence</td><td data-bbox="694 1254 1444 1523">GM, procedure, requirements for CA to be used when a licence holder is asking to convert a licence to an EASA licence. Should it be EASA that is the responsible body that initially convert an ATCO licence? Common question bank – common requirements – common examination (written). Harmonisation among the MS</td></tr> <tr> <td data-bbox="359 1523 694 1691">Licence database</td><td data-bbox="694 1523 1444 1691">EASA should develop a common licensing database. The benefit of this -Support the NSA with database update/difficulty -Standardisation -Changes</td></tr> <tr> <td data-bbox="359 1691 694 1993">Electronic licences</td><td data-bbox="694 1691 1444 1993">EASA should initiate and support the development of electronic licences. The benefit would be: -one licence (only a first issue in each state) – small, laminated as driver licences, less information -direct update in the database (less paper work) -ATCOs and pilots and other personnel would always have an updated licence: Licence could be checked in every PC or at licence checkpoint (read) -Managers could at all times check for a valid licence</td></tr> </table>	OJT and monitoring communication requirement	OJTI monitoring communication (radio frequency and telephone) – mandatory. Should this be reflected in the regulation?	3rd country licence	GM, procedure, requirements for CA to be used when a licence holder is asking to convert a licence to an EASA licence. Should it be EASA that is the responsible body that initially convert an ATCO licence? Common question bank – common requirements – common examination (written). Harmonisation among the MS	Licence database	EASA should develop a common licensing database. The benefit of this -Support the NSA with database update/difficulty -Standardisation -Changes	Electronic licences	EASA should initiate and support the development of electronic licences. The benefit would be: -one licence (only a first issue in each state) – small, laminated as driver licences, less information -direct update in the database (less paper work) -ATCOs and pilots and other personnel would always have an updated licence: Licence could be checked in every PC or at licence checkpoint (read) -Managers could at all times check for a valid licence
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response

Noted

or licence endorsement (read)
 -Managers and approved assessors could have the opportunity to correct/load certain data e.g. revalidation at unit (full read - limited write)
 -CA can give access to managers and approved assessors (read-write)
 -CA less work

1) ATCO.OR.B.015 of this Regulation concerning facilities and equipment requires training organisations to ensure that during on-the-job training instruction the instructor has exactly the same information as the person undertaking OJT and the means to intervene immediately. The commentator is invited to specify further if he/she considers that more detailed provisions are necessary.

2) Unlike pilots in Article 7(6)(e), Article 8c of the Basic Regulation on ATCO licensing does not foresee implementing measures on the conditions for the acceptance of licences from third countries. Should such cases arise, the competent authority shall establish the conditions for the conversion and ensure that the person to be issued with an EU licence meets all the requirements of the applicable EU law.

Regarding the establishment of a Common European Question Databank for initial training the Agency is preparing a Preliminary Regulatory Impact Assessment (Pre-RIA).

3) The Agency agrees with the possible positive effects of a common European licensing database; however, developing and maintaining such database by the Agency is not foreseen. The Agency itself does not issue personnel licences and has no legal mandate to undertake such responsibility.

4) 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 format of the licence is proposed that would facilitate for instance the mutual recognition of licences. The Agency takes note of the comment and as the database is not included in the scope of this NPA the commentator is kindly invited to consider a more detailed rulemaking proposal on the issue.

comment

269

comment by: *CANSO Civil Air Navigation Services Organization*

For clarity with regards to the CANSO comments, please take note of the following editorial convention (valid for all books):

- Text proposed for deletion is ~~stroke-through~~
- Text proposed for insertion is **shaded**

response **Noted**

NPA 2012-18 (A) 'Licensing and medical certification of air traffic controllers' – Explanatory Note – General comments

p. 1-4

comment **107**

comment by: *DFS Deutsche Flugsicherung GmbH*

We appreciate the effort by EASA to implement rules for the harmonization of ATCO training and licensing in an "all-in-one" comprehensive document, which implements the Essential Requirements of Annex Vb 4. and 5.d).

While harmonization aims for average minimum requirements with the focus on maintaining and improving **Safety**, the present draft however seems to overshoot this aim by too detailed regulation.

As far as DFS understands these draft rules, the implementation would require us to re-work huge parts of our rating- and endorsement-related processes and the related documentation (let alone other national regulations).

DFS caters for performance based, targeted and individual qualification needs of their ATCOs based in 21 locations. Whereas this regulation brings about an inflexible training system, obliging all employees to perform uniform measures, regardless of individual needs.

For DFS this regulation is a regression accompanied by

- raise of staff capacity (operational as well as administrative)
- enormous effort to change all rating- and endorsement related procedures
- considerably high additional costs (e.g. to adapt the technical infrastructure)
- inflexible procedures in particular for small units

w without gain in safety and is in contradiction with the economic regulation and its performance goals (Regulations EC 691/2010 and 1191/2010 as amended).

response **Noted**

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 as being the basis of mutual recognition of licences. Thus without common requirements there are no objective grounds to establish the mutual recognition principle. The level of details is, therefore, extremely important for initial training which leads to the issue of the mutually recognised student air traffic controller licence. This approach is not new compared to today's situation. As regards unit and continuation training only a few high-level requirements are established at Implementing Rule level, which are complemented with competency and performance-based objectives at AMC and GM level.

The Agency 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 this system could necessitate

such a rework of the internal processes as the comment suggests. Training organisations are free to structure, order and combine their training events in any manner, as well as tailor them to the individual's needs, provided that the framework requirements are met. The same applies to the qualification of training personnel.

Regarding the rating and endorsement structure the suggested change in the surveillance domain is analysed in detail in the Regulatory Impact Assessment, which does not identify enormous effort associated with the change proposed. Moreover, and contrary to any such effort, this proposal is seen to simplify the current system and to future-proof it to accommodate potential further technological developments. The analysis of the RIA has not been commented in this regard, therefore the Agency assumes that the commentator does not question the correctness of that analysis.

The proposal is not requiring in any way changes or adaptations to the technical infrastructure already in place.

Throughout the proposal the special circumstances and needs of small units are also considered and even acknowledged by special provisions, exemptions and flexible framework to be tailored and implemented at local level.

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

- in line with the clear majority of stakeholders' and experts' views;
- takes due account of the objectives of the Basic Regulation, namely to ensure a high and uniform level of safety;
- contributes positively to the mutual recognition of licences and to the mobility of air traffic controllers; and
- establishes proportionate requirements while ensuring a level playing field.

comment 317

comment by: *ERAC European Regional Aerodrome Community*

From an operational point of view, the proposed regulation has impacts on aerodromes as well and these impacts are by far not all increasing efficiency or cost efficiency. Regulatory inflation is not enhancing safety per se. EASA recognizes that the current situation does not show significant safety risk (RIA, page 7, General Objectives). Therefore, the objective of maintaining the high level of safety and to facilitate the movement of persons in a level playing field with proportionate and cost efficient rules does not require new regulatory material to such an extent, at least as smaller aerodromes are concerned.

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The proportionality issue is also a concern and in general, the economical

response

impacts are often negative (Table 10). The change in the surveillance system for instance (RIA, page 40/41) is assessed as negative. The RIA admits that Options 1 and 2 will impose a burden on ANSPs and that for smaller service providers which cannot generate economy of scale effects, the costs per traffic controller for the required activities will be higher. With the Options 1 and 2, the proportionality score is negative. Therefore Option 0 should be the privileged one in this case. We therefore recommend a general review of this NPA in order to take action towards more flexibility and proportionality in the intended regulation. As far as options are open for choice and within the frame of a pragmatic and well understood safety objective, the ones granting the highest flexibility and proportionality - under consideration of the lowest cost impacts - have to be retained.

Noted

Loss of flexibility and proportionality issue:

This draft rule concerns the licensing and medical certification of air traffic controllers, irrespective of the aerodromes they are eventually working at — if they are working at an aerodrome at all. The fact that there is a difference in the size and complexity between aerodromes does give grounds for diverse rules or national deviations when it comes to the qualifications and licensing and medical certification of air traffic controllers. From the organisations' point of view this draft rule does not concern aerodrome operators, only air navigation service providers and air traffic controller training organisations.

Surveillance Rating System and proportionality issue:

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Proportionality and economic issues:

Generally, pending more information from ANSPs and competent authorities regarding their current national legislative framework and quantitative information on the specific impacts foreseen by them, the identified impacts are deemed to be valid. With the period of transition established by the NPA 2012-18, it is foreseen that the potential additional costs would be smoothly introduced and counterbalanced by other positive aspects, like better working conditions through harmonised requirements (e.g. training requirements), support to ATCO mobility and to the recognition of licences, thanks to this regulatory harmonisation.

General review of the RIA:

Unless more precise and significant information is given, especially on the impact foreseen by the commentator on aerodromes and aerodrome operators, a general review of the RIA cannot be undertaken.

A. Explanatory Note — I. Introduction; II. Scope; III. Process

p. 5-7

comment 210

comment by: IFATCA

response	<p>Attachment #1</p> <p>The overall document of IFATCA is attached as a pdf file.</p> <p><i>Noted</i></p>
comment	<p>275 comment by: DSAC - French NSA</p> <p><u>Paragraph</u> <u>Recitals (9)</u> <u>Justification</u></p> <ul style="list-style-type: none"> - The need to assess every 9 years, the language proficiency for controllers arised from an issue for the UK regarding the loss of level in English for controller with an expert level, level 6 when they leave the UK to work as controller in a non English-speaking country. - The case of the use of the local language in a controller environment in another country is not relevant for other local languages. - The loss of accuracy in the local language for a level 6 controller living in a foreign country is minimal and won't mean, even after 15-20 years, a drastic loss of language proficiency of the controller. The controller will only need a refreshment course due to the evolution of phraseology and technical language. - The application of this requirement for the local language will mean in France an extra cost and an extra administrative charge to assess all controllers in the local language. The extra cost will arise from the development of new assessment for 6000 french controller, the language assessors needed as the assessment of level 6 means a higher qualification concerning linguistic knowledge compared with level 4 or level 5. <p>The extra cost is implicitly linked to the organisation of the roadster due to the absence of the controllers during their assessment.</p> <ul style="list-style-type: none"> - See also the comments on the risk impact assessment paragraph 7. <p><i>Partially accepted</i></p> <p>Reference to the English language is added.</p>
comment	<p>276 comment by: DSAC - French NSA</p> <p><u>Paragraph</u> <u>Recitals (12)</u> <u>Justification</u></p> <ul style="list-style-type: none"> - To ensure that evolutions in the different domains addressed by the ATCO Common Core Content (CCC) will be reflected in due time in the objectives for the initial training, a dynamic referencing to the Eurocontrol document would be the better way to ensure a reactive update of these objectives. - Furthermore, the updating process should involve experts on the ATCO Common Core Content within the ANSPs, the training organisations and the competent authorities.

response *Noted*

The rationale for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency decided to introduce a change to the proposed methodology for the transposition, as follows:

- Subjects, topics and subtopics are transposed into Implementing Rules;
- Subject objectives and training objectives are transposed into AMC. The AMC now include also the subject, topics and subtopics referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach, all the Common Core Content is available in a single source document in order to facilitate its reading, as requested by several stakeholders.

The Agency fully agrees with the need for the future maintenance of the ATCO Initial Training requirements, as transposed into EU legislation. It is obvious that the Agency itself cannot possess and maintain such detailed knowledge and experience in ATCO training. Therefore, it is foreseen to establish a rulemaking task in which the industry has 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. The Agency is committed to ensure that such future activity is undertaken in the most efficient way while only the industry itself can decide how it wishes to organise its resources in this regard.

A. Explanatory Note – IV. Overview of the changes proposed – Legal considerations

p. 8-9

comment 246

comment by: *SWISS AERODROMES ASSOCIATION*

See our general comment above.

National / local deviations and aerodrome specific solutions should remain possible as long as they match the general safety objectives of the BR/ERs.

response *Not accepted*

This draft rule concerns the licensing and medical certification of air traffic controllers, irrespective of the aerodromes they are eventually working at — if they are working at an aerodrome at all. The fact that there is a difference in the size and complexity between aerodromes does give grounds for diverse rules or national deviations when it comes to the qualifications and licensing and medical certification of air traffic controllers. From the organisations' point

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comment 318 comment by: *ERAC European Regional Aerodrome Community*

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**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Cover Regulation**

p. 10-11

comment 12 comment by: *European HF Advisory group*

Page 11 Cover Regulation Para 29 (continued)
Proposal to exclude caffeine from the list of psychostimulants is endorsed.

response *Accepted*

comment 19 comment by: *LFV*

Ref 29.
LFV supports the Agency's proposal to exclude caffeine from psychostimulants.

response *Accepted*

comment 47 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO accepts the amended definition.

response	Accepted
comment	52 comment by: Aaron Curtis Prospect ATCOs' Branch UK We agree to exclude the definition of caffeine from psychostimulants.
response	Accepted
comment	53 comment by: skyguide Corporate Regulation Management Respond in favour of caffeine; This makes sense as it allows for any caffeinated substance, rather than just coffee. (e.g. coke)
response	Accepted
comment	64 comment by: Direction de la sécurité de l'aviation civile (DSAC) <u>Paragraph</u> Explanatory note § 29 Article 3 définitions <u>Alternative proposal</u> 17. 'psychoactive substance' means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded; <u>Justification</u> The proposal of the Agency to exclude caffeine from psychostimulants is accepted.
response	Accepted
comment	70 comment by: Federazione ATM-PP Federazione ATM-PP agrees to exclude caffeine from psychostimulants list
response	Accepted
comment	71 comment by: DSNA 29. <u>Comment :</u>

response	DSNA fully support EASA proposal. Definition of psychoactive substances must be amended to exclude caffeine from psychostimulants.	
	<i>Accepted</i>	

comment	80	comment by: <i>HungaroControl</i>
response	EN 29: Accept the amended definition.	
	<i>Accepted</i>	

comment	109	comment by: <i>DFS Deutsche Flugsicherung GmbH</i>
response	Answer to 29: Agreement to exclude caffeine instead of coffee. We accept the amended definition.	
	<i>Accepted</i>	

comment	121	comment by: <i>CAA-NL</i>
response	Answer: Yes, although we acknowledge that 3 tins of Red Bull just before a flight would not be a sound idée, but this is the responsibility of the pilot to be fit when starting his or her duty.	
	<i>Accepted</i>	

comment	137	comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i>
	Section: Explanatory Note, paragraph 29	
	Relevant Text: Proposal to amend the definition of psychoactive substances to exclude caffeine instead of coffee from psychostimulants.	
	Comment: The proposal deviates from the ICAO definition of psychoactive substances, creating two different definitions for the same subject. The definition is accepted worldwide and has not been questioned by medical professionals. If caffeine as a substance is excluded, the use of caffeine tablets as	

psychoactive medication would become accepted. Caffeine in tablet form may create tolerance and dependency with a high risk of safety-related side effects from overdosage and a risk of anxiety at withdrawal.

If coffee is not enough to keep an ATCO alert, the ATCO should be declared unfit for service.

Proposal:

The Swedish Transport Agency strongly objects to the proposal and recommends the proposal to be rejected.

response *Not accepted*

Based on the comments and responses received to the question the Agency proposes to exclude caffeine from the list of psychoactive substances. The Agency does not agree with the justification that when it comes to the possible tolerance, dependency or side effects a distinction could be made whether the person has consumed coffee or other beverages containing caffeine or caffeine pills. The Agency is ready to undertake the necessary action towards ICAO to propose an update of the subject definition.

comment 141

comment by: UK CAA

Page No: 11

Paragraph No: 29

Comment: The ICAO definition should be retained for the time being, but AMC/GM material should be provided to show the differences between coffee and/or other products containing caffeine and the potential adverse effects of excess use of caffeine. The UK CAA would support a move for the ICAO text to be updated.

response *Not accepted*

Based on the comments and responses received to the question the Agency proposes to exclude caffeine from the list of psychoactive substances. The Agency is ready to undertake the necessary action towards ICAO to propose an update of the subject definition.

comment

154

comment by: ATCEUC- Air Traffic Controllers European Unions
Coordination

Explanatory Note 29
Cover Regulation Art.3 (17)

	<p>'psychoactive substance' means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas <u>caffeine</u> and tobacco are excluded;</p> <p>Comment:</p> <p>ATCEUC agrees on the change to amend the definition of psychoactive substances to exclude caffeine from psychostimulants.</p>
response	Accepted
comment	<p>159 comment by: <i>swissatca</i></p> <p>We are in favour of excluding caffeine, too restrictive otherwise (e.g. coca-cola, ice t��a, soft drinks containing caffeine).</p>
response	Accepted
comment	<p>161 comment by: <i>Laurent BERTIN UNSA-ICNA</i></p> <p>UNSA-ICNA agrees on proposal to exclude caffeine from psychostimulants</p>
response	Accepted
comment	<p>164 comment by: <i>DATCA</i></p> <p>Ref Note 29 We support the exemption of caffeine from the list of "Psychoactive substances"</p>
response	Accepted
comment	<p>166 comment by: <i>European Transport Workers Federation - ETF</i></p> <p>ETF agrees on the change to amend the definition of psychoactive substances to exclude caffeine from psychostimulants.</p>
response	Accepted

comment	172	comment by: SINCTA - Portuguese Air Traffic Controllers' Union
	29. SINCTA agrees on the change to amend the definition of psychoactive substances to exclude caffeine from psychostimulants.	
response	Accepted	
comment	176	comment by: ICEATCA
	Agree to exclude caffeine	
response	Accepted	
comment	177	comment by: USAC-CGT
	USAC-CGT agrees with the change proposed by EASA.	
response	Accepted	
comment	183	comment by: USCA
	Cover Regulation Art.3 (17) – EN29 USCA agrees on the excluding caffeine from psychostimulants. "psychoactive substance' means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded;"	
response	Accepted	
comment	196	comment by: IFATCA
	Q1 (A) p.11 para 29 Ok for IFATCA	
response	Accepted	

comment 197

comment by: IFATCA

26	NPA 2012-18 (A)	P.11 PARA 32 referring to article 6	NPA 2012 18 (BI) Article 6 in total	IFATCA would welcome that Alternative Means of compliance are limited to the outmost. What is missing in this chapter is the link to the ICAO Chicago Convention article 28., which might force the Member States of EASA to adopt alternative means of compliance in order to remain aligned with ICAO. This is e.g. the issue when EASA introduces new "standards" which are not ICAO standard. See comment on Recital 12
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response Noted

One of the Agency's objectives, as established by the legislator, is to assist Member States in fulfilling their obligations under the Chicago Convention by providing a basis for a common interpretation and uniform implementation of its provisions, and by ensuring that its provisions are duly taken into account. Furthermore, the essential requirements and rules for their implementation should ensure that Member States fulfil the obligations imposed by the Chicago Convention. Taking into account these principles, Acceptable Means of Compliance have been drafted, where necessary and as advised by the rulemaking group experts, to support the Implementing Rules for all Subparts.

Moreover, the text of recital 12 has been further clarified, it refers to training standards developed by ICAO in areas where there are no common European training requirements, for example for the Precision Approach Radar or the Surveillance Radar Approach. The aim of that recital is to highlight that in the absence of European training requirements Member States may rely on such ICAO Standards.

comment 212

comment by: EUROCONTROL

Paragraph 28 : EUROCONTROL supports the reasons for modifying the definition of psychoactive substances

Paragraph 29: The inclusion of a list of definitions is welcomed.

response Accepted

comment 213

comment by: EUROCONTROL

response	Paragraph 29 (continued): EUROCONTROL supports the reasons for modifying the definition of psychoactive substances
	<i>Accepted</i>

comment	248	comment by: <i>SWISS AERODROMES ASSOCIATION</i>
	The exclusion of coffeine is approved	
response	<i>Accepted</i>	

comment	270	comment by: <i>ENAV</i>
	Accept the amended definition	
response	<i>Accepted</i>	

comment	274	comment by: <i>Aura MARCULESCU</i>
	Reference: ENR 29	
	Proposal: The amended definition is accepted.	
	Justification: Stakeholders are invited to comment on the Agency's proposal to amend the definition of psychoactive substances to exclude caffeine from psychostimulants.	
response	<i>Accepted</i>	

comment	328	comment by: <i>ERAC European Regional Aerodrome Community</i>
	We support the Agency's proposal to amend the definition of psychoactive substances to exclude caffeine from psychostimulants	
response	<i>Accepted</i>	

comment	331	comment by: <i>Federal Office of Civil Aviation FOCA</i>
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	<p>Article: 3 - definitions Comment / Issue / Suggestion: we accept the Agency's amendment proposal Justification: allow for tea and coke trinklers</p>
response	<i>Accepted</i>

comment	<p>333</p> <p>comment by: <i>Federal Office of Civil Aviation FOCA</i></p>
	<p>Article: 3 - definitions Comment / Issue / Suggestion: check with ICAO and current regulation and SO/CR Justification: the use of commonly agreed definitions is necessary in order to have the same understanding.</p>
response	<p><i>Noted</i></p> <p>Based on the comments and responses received to the question the Agency proposes to exclude caffeine from the list of psychoactive substances. The Agency is ready to undertake the necessary action towards ICAO to propose an update of the subject definition.</p>

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Cover Regulation (paragraph 30 and 31)**

p. 11

comment	<p>184</p> <p>comment by: <i>USCA</i></p>
	<p>Cover Regulation Art.4 – EN30</p> <p>One of the SES objectives is to defragment the system, but this provision allows exactly the opposite and also changes the concept from the reg. 805/2011</p> <p><i>"Article 4 (1): Member States shall nominate or establish one or more competent authority(ies) within their territory with allocated responsibilities for the certification and oversight of persons and organizations subject to this Regulation"</i></p>
response	<p><i>Not accepted</i></p> <p>The High Level Group on aviation regulation in its recommendations (http://ec.europa.eu/transport/modes/air/doc/hlg_2007_07_03_report.pdf) highlighted the need of separation between regulatory oversight and provision of services. In line with this principle the SES legislation (Article 4 of Regulation</p>

(EC) No 549/2004) requires from the Member States, jointly or individually, to either nominate or establish a body or bodies as their national supervisory authority in order to assume the tasks assigned to such authority. The commented provision in NPA 2012-18 replicates this principle in providing the flexibility to Member States to decide how many authorities to nominate or establish, but in case of more than one competent authority the required action is the areas of competences has to be clearly defined in terms of responsibilities and geographical limitation.

comment

334

comment by: *Federal Office of Civil Aviation FOCA*

Article:

4 - establishing CA

Comment / Issue / Suggestion:

icw ATCO.A - check with cross border, FAB and privatisation

Justification:

competent authority is defined. The cross border responsibility in case of delegation of airspace to be defined.

response

Noted

The subject provision is revised aiming at further clarifying who is the competent authority for the regulated persons and organisations by the subject draft Regulation. Furthermore, it should be pointed out that the competency for the oversight of the air navigation service provision is defined in the proposed rule of NPA 2013-08.

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Cover Regulation (paragraph 32 and 33)**

p. 11-12

comment

335

comment by: *Federal Office of Civil Aviation FOCA*

Article:

6 - means of compliance and flexibility provisions

Comment / Issue / Suggestion:

put the means of compliance and flexibility provisions into a over-arching reg. or BR

Justification:

to avoid discrepancies with other regulations

response

Partially accepted

The Agency agrees with the proposal on regulating all the aviation domains under the EASA remit in a holistic approach through an overarching regulation. It was the initial idea; however, it couldn't be implemented with the current proposal. When regulatory action towards a total system approach is decided, the comment will be considered.

Moreover, to support Member States in ensuring uniform implementation of the provisions in question, the Agency has developed and published further information and instructions on its website. Please go to:

<https://easa.europa.eu/rulemaking/acceptable-and-alternative-means-of-compliance-AMCs-and-AltMOCs.php> and

<https://easa.europa.eu/regulations/flexibility-provisions.php>

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Cover Regulation (paragraph 34 and 35)**

p. 12-13

comment 13 comment by: *Belgian NSA*

item 35 addresses the "applicability" for regulated persons and organisations; but it should also address the timeframe for the CA to allow them to assess the trg org provided new documents.

response *Noted*

The time frame necessary for the competent authority's approval shall be taken into consideration when establishing compliance with the requirements of the new Regulation within the 2-year overall time frame.

comment 277 comment by: *DSAC - French NSA*

Paragraph

Article 9

Alternative proposal

It shall apply from (18 months after publication).

In that 18 month period, some changes may be put in place to meet requirements of this regulation even if they don't meet requirements of regulation n°805/2011 anymore.

Justification

Allow that the changes due to the publication of the regulation and its full application 18 months later or 18 months + 6 months later are applied in a progressive way during that 18 month period, even if they don't apply the requirements of regulation n°805/2011 anymore.

To ensure a smooth application of the requirements of the new regulation, some changes may be applied as soon as possible without waiting the date of application for the regulation.

response *Partially accepted*

Following similar comments the Agency proposes to shorten the applicability deadline in Article 9, add appropriate opt-out possibilities and extend the

transition periods in Article 8, while keeping the total time of 2 years unchanged.

The Agency believes that such change is in principle 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.

comment

278

comment by: DSAC - French NSA

Paragraph

Article 9

Alternative proposal

It shall apply from (18 months after publication).

In case of difficulties arising in the application of some requirements in this regulation at the time of application, after notification and in justified cases, an adequate extended period of time may be defined for application of those requirements.

Justification

To take into account any difficulty due to organisation, financial or social constraints that may arise when preparing for the application of the regulation.

response

Partially accepted

Following similar comments the Agency proposes to shorten the applicability deadline in Article 9, add appropriate opt-out possibilities and extend the transition periods in Article 8, while keeping the total time of 2 years unchanged.

The Agency believes that such change is in principle 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.

comment

336

comment by: Federal Office of Civil Aviation FOCA

Article:

8 - transitional arrangements

Comment / Issue / Suggestion:

limitation on rating endorsements new structure: we propose to remove limitations

Justification:

any training for new equipment will be covered by either the unit course (change of unit) or the conversion training (change of equipment within the same unit)

response

Accepted

comment	337	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: 9 - entry in to force and application Comment / Issue / Suggestion: allow for "blending in" Justification: to allow for a smooth and harmonised implementation of the new requirements</p>	
response	<p><i>Accepted</i></p> <p>Following similar comments the Agency proposes to shorten the applicability deadline in Article 9, add appropriate opt-out possibilities and extend the transition periods in Article 8, while keeping the total time of 2 years unchanged. The Agency believes that such change is in principle 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.</p>	

A. Explanatory Note — V. Detailed explanation of the proposed provisions — Annex I — Part-ATCO — Requirements for the licensing of air traffic controllers — Subpart A — General requirements	p. 13-14
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comment	14	comment by: <i>Belgian NSA</i>
	<p>item 38 addresses the principle of one licence; this is not clearly addressed in the draft regulation and can cause discussion with licence holders!</p>	
response	<p><i>Noted</i></p> <p>The relevant requirements have been further refined in order to establish more clarity on this principle.</p>	
comment	198	comment by: <i>IFATCA</i>

30	NPA 2012-18 (A)	Page 14 Para 39	Based on the specifications for licences in Annex I to Regulation (EU) No 805/2011 the rulemaking group with ad hoc expertise involved 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 Aviation ¹⁷ . The proposed licence format also ensures easy determination of the privileges and validity of ratings and/or endorsements. Furthermore, the licence format is reflecting the RAD and ADS rating endorsements, which might still be in use, as a limitation on the privileges of the integrated ACS or APS ratings.	Question: The last part of this paragraph is not clear with regard to the possible impact on safety and career of the ATCO. Maybe a rewording is necessary. Is there a possible impact on a current worker (e.g. suddenly not qualified anymore)?
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response *Accepted*

Based on the comments received the previously proposed limitation is deleted.

comment 199

comment by: IFATCA

34	NPA 2012-18 (A)	P. 13 Subpart A Para 38 second phrase	Due to globalisation national responsibilities change or are exchanged. In the case of functional airspace blocks (FABs) and also for the purpose of cross-border service provision the applicant air traffic controller has certainly to follow the agreement of the Member States involved when applying for a licence.	Unclear: This paragraph is not clear. It is not clear if it referring to legal, operational and or national requirement with regard to labour law. A clarification of the meaning should be provided – or the paragraph should be deleted. ATCO A 10 (D) is not reflecting this.
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response *Partially accepted*

In order to establish clarity all provisions relevant to the competent authority(ies) are moved to Article 4 of the draft Regulation. The same Article states that the responsibilities allocated to the competent authority(ies) cover the certification and oversight of persons and organisations subject to this Regulation.

comment

338

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.A.001

Comment / Issue / Suggestion:

provide for suspension and revocation of licences, ratings and endorsements

Justification:

this is covered in ATCO.A.020 and needs to be defined in the scope as well

response

Accepted

comment

339

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.A.010 b and c

Comment / Issue / Suggestion:

we suggest to remove the requirement to go back to the CA who originally issued the licence and replace with the nominated CA for the concerned rating or endorsement

Justification:

this is for ATCOs who move from the jurisdiction of one CA to another

response

Accepted

The subject provision has been completely revised in order to better detail the exchange process. Also GM has been added in this regard.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart A — General requirements (paragraph 41)**

p. 14

comment 142

comment by: UK CAA

Page No: 14**Paragraph No:** 41

Comment: The Provisional Inability process, as described in the document, appears to be a mixture of a current Medical process for ANSPs to follow concerning an ATCO's Reduced Fitness (Health) and the Provisional Suspension process. These are separate processes dealing with separate areas i.e. Medical and ATCO Licensing and should remain separate.

The "fitness" of an individual to hold a licence within a Provisional Suspension process, relates to an individual being a "fit and proper person" to hold an Air Traffic Controller Licence (of suitable character), rather than it being associated with health issues as appears to be the case in the Provisional Inability process. The Provisional Inability process only appears to involve the ANSP and the ATCO. The competent authority is not involved in this process and may not be aware of concerns regarding an ATCO's competence for a considerable period of time. The NPA talks of this length of time as being in the order of 90 days. This may be acceptable for health related issues but this should not be the case for competence related issues.

It is important for the competent authority to be informed as soon as possible regarding any competency issues. The Provisional Suspension process involved the competent authority as soon as an incident/occurrence had happened. Licensing action was then only taken after discussion with the relevant Regional Manager/Inspector.

All references to medical causes of provisional inability should be excluded and a reference made that these provisions are for non-medical causes of provisional inability

Justification: Clarification and rectification of a mixture of procedures.

response *Accepted*

The amended definition of provisional inability clearly excludes medical cases from its scope. For further details on the subject please refer to the responses provided under B.I on provisional inability.

comment 200

comment by: IFATCA

36	NPA 2012- 18 (A)	Page 14Para 41	<p>A similar provision is included to empower the air navigation service provider to declare provisional inability of the air traffic controller in cases when competence is in doubt.</p> <p>On the other hand, air navigation service providers are obliged to establish and implement procedures to enable such notifications and also to manage the operational impact of such provisional inability cases. These procedures shall form part of the unit competence scheme, which shall guarantee their objectivity, transparency and non-discriminative nature.</p> <p>Finally, should the state of provisional inability not be terminated according to these procedures, the competent authority needs to be informed to take action on the licence, if necessary.</p>	<p>In principle IFATCA welcomes the ATCO A 15 (f) referring to ATCO B 025 (16) – however there is no reference to recital 18.</p> <p>From practical experience if provisional inability is applied following a serious incident and linked to the competence scheme, it hampers the Just Culture environment as there is a risk that the provision developed will be used to "condemn" the ATCO for an incident which cannot be triggered by the ATCO him/herself due to the complexity of the current socio-technological systems. Further the use of data monitoring (recording or not) systems might lead to immediate declaration of provisional inability due to parameters not properly set.</p> <p>Change proposal – introduce the spirit of recital 18 under ATCO A 15 f with appropriate wording.</p>
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response *Accepted*

Please refer to the responses provided under B.I on provisional inability.

comment 214

comment by: EUROCONTROL

"It s important to note in addition that the provisions of ATCO.MED.020..."
Correct reference is ATCO.MED.A.020

response *Accepted*

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex I – Part-ATCO – Requirements for the licensing of air traffic
controllers – Subpart A – General requirements (paragraph 42)**

p. 15

comment 15 comment by: *Belgian NSA*

Item 45 NSA chooses for OPTION A

response *Accepted*

comment 118 comment by: *Direction de la sécurité de l'aviation civile (DSAC)*

Paragraph

Explanatory note §45

ATCO.B.001 (b)

Risk impact assessment §3.1

Alternative proposal

Option A

(b) Applicants for the issue of a student air traffic controller licence shall:

(1) be at least 18 years old;

(2) have successfully completed approved initial training at a training organisation relevant to the rating, and if applicable, to the rating endorsement, as set out in Part-ATCO Subpart D, Section 2 of this part;

(3) hold a valid medical certificate;

(4) have demonstrated an adequate level of language proficiency in accordance with the requirements set out in ATCO.B.030.

Option B

(1) be at least 18 years old;

(2) hold at least a diploma granting access to university or equivalent, or any other secondary education qualification, including validation of previous professional experience which enables them to complete air traffic controller training;

(3) have successfully completed approved initial training at a training organisation relevant to the rating, and if applicable, to the rating endorsement, as set out in Part-ATCO Subpart D, Section 2 of this part;

(4) hold a valid medical certificate;

(5) have demonstrated an adequate level of language proficiency in accordance with the requirements set out in ATCO.B.030.

Justification

The chosen option is A

Or if option B is chosen, the professional experience should also be taken into account

- The initial training and afterwards, the unit training will be enough to ensure that a student controller has the required knowledge to become an air traffic controller whatever was his academic trajectory before he began an ATCO training.

response *Accepted*

comment	332	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: ATCO.B.001(b) Comment / Issue / Suggestion: we prefer OPTION A Justification: Education / diploma may already be checked during the recruitment process</p>	
response	<i>Accepted</i>	

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart B — Licences, ratings and endorsements**

p. 15

comment	6	comment by: <i>Michael O'Dwyer</i>
	<p>The cost of ATCO training is such that it is necessary to ensure that the applicants have achieved certain minimum standard of education before commencing training.</p> <p>This ensures that at a minimum the potential trainee should be able to pass the classroom element of training.</p> <p>this is preferable in light of the cost of ab initio training so resources are not wasted unnecessarily.</p> <p>1. "805/2011 =>hold at least a diploma granting access to university or equivalent, or any other secondary education qualification, which enables them to complete air traffic controller training"</p> <p>Remains pertinent and valid.</p>	
response	<p><i>Not accepted</i></p> <p>Option A is accepted as a licensing requirement. At this point there is no risk of wasting the costs of training, as these applicants have already successfully accomplished initial training. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training by the training organisations. Associated GM is proposed for this purpose.</p> <p>GM1 ATCO.B.001(b) Student air traffic controller licence</p>	

MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

9

comment by: ENAC-FRANCE

Subpart B 45.Comment:

The majority of the students recruited by ENAC for the French ANSP (DSNA) are recruited by a competitive exam and are required to hold at least a diploma granting access to university in addition to a strong educational background. However, a few students are recruited via a career evolution process, on the basis of their professional capacities and experience. Such students do not always hold a university entry level diploma or any other secondary education qualification.

Proposal:

ENAC prefers OPTION A or would suggest a re-wording of OPTION B to take into account the professional experience of the applicant.

response

Accepted

Option A is accepted with the associated GM below.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

20

comment by: LFV

Ref 45.

As of today it seems that applicants in *most cases* participate in selection procedures before admission to initial training. However, since selection procedures is not a legal requirement, there is a risk that the requirements for applicants over time will be diluted. There is a probability that ATM training organisations in the future may be more and more disconnected to the ANSPs, with the development to more mature ATS markets (competition). If initial training becomes a part of the societies common higher level education, selection procedures may be excluded and that admission requirements will be

response

in line with other higher level education/university. In this context, LFV proposes that there should be a minimum entry requirement stated by the CA. LFV proposes option B.

Not accepted

Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training by the training organisations. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

24

comment by: IAA

I believe that the educational requirements should remain unchanged.

response

Not accepted

Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training by the training organisations. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

25

comment by: Andy C

I share the concerns of your "other experts" that deleting this prerequisite could lead to the downgrading of the profession, which should be avoided. While i accept that applicants also participate in very strict selection procedures before being admitted to initial training, removing the licensing requirement in effect will remove the requirement from being enforced at any earlier stage.

response

Through lowering the overall standard of the applicant pool, there's an increased risk of a lower standard making it to initial training stage, the possible increase in failure rates as a result of this will add costs to ANSPS training and possibly lead to shortfall in the required ATCO numbers

Not accepted

Option A is accepted as a licensing requirement. At this point there is no risk of wasting the costs of training, as these applicants have already successfully accomplished initial training. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training by the training organisations. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

72

comment by: DSN

45.

Comment:

In France, the level of the ATCO exam (for standard recruitments) is higher than the French diploma granting access to university.

But we also have professional internal recruitments, and, in some very rare cases we could have ATCOs (from non standard recruitments), that do not have this diploma. Which is not a problem, if they have successfully completed approved initial training.

So, OPTION B as such, is not suitable.

We suggest either:

- To choose OPTION A
- Or to modify the wording of OPTION B to include the recognition of professional experience.

Proposal:

new wording for option B

(2) hold at least a diploma granting access to university or equivalent, or any other secondary education qualification, or any professional experience which enables them to complete air traffic controller training;

response	<p><i>Accepted</i></p> <p>Option A is accepted with the associated GM below.</p> <p>GM1 ATCO.B.001(b) Student air traffic controller licence MATURITY OF AIR TRAFFIC CONTROLLERS</p> <p>Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.</p>
comment	<p>77</p> <p>comment by: <i>DSAE/DIRCAM/SDSA</i></p> <p>Option A preferred. Education and diploma isn't a regulatory responsibility. It's an ANSP problem. It can be checked during the recruitment process.</p>
response	<p><i>Accepted</i></p> <p>Option A is accepted with the associated GM below.</p> <p>GM1 ATCO.B.001(b) Student air traffic controller licence MATURITY OF AIR TRAFFIC CONTROLLERS</p> <p>Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.</p>
comment	<p>81</p> <p>comment by: <i>HungaroControl</i></p> <p>EN 45: The preferred option is Option B.</p>
response	<p><i>Not accepted</i></p> <p>Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training by the training organisations. Associated GM is proposed for this purpose.</p> <p>GM1 ATCO.B.001(b) Student air traffic controller licence MATURITY OF AIR TRAFFIC CONTROLLERS</p> <p>Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR)</p>

should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

90

comment by: *Juan Gallego Grana - Aena***ATCO.B.001(b)**

Aena **prefers option B** regarding requisite ATCO.B.001(b) (question included in paragraph 45 of NPA 2012-18 (A) offering options regarding the educational requirements as a licensing prerequisite to the student air traffic controller licence).

response

Not accepted

Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training by the training organisations. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

95

comment by: *Maastricht UAC*

Expl. Note 45 Referring to ATCO.B.001 (a) Student ATCO prerequisites

The requirement for a diploma appears superfluous as the applicant for a student ATCO licence will have already proven they are able to fulfil the requirements by successfully passing the initial training. The requirement is more for recruitment and employment, both of which are not covered in this regulation. In addition, the paragraph is written in such a way as to be almost meaningless - any piece of paper that an ANSP judges to be evidence that the student could pass initial training - which they have already done if applying for the student licence.

Option A is preferred. If option B is chosen then it should be rewritten to actually mean something or add something of value.

response

Accepted

Option A is accepted with the associated GM below.

GM1 ATCO.B.001(b) Student air traffic controller licence

MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment 101

comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
Expl. Note 45 Referring to ATCO.B.001 (a) Student ATCO prerequisites	The requirement for a diploma appears superfluous as the applicant for a student ATCO licence will have already proven they are able to fulfil the requirements by successfully passing the initial training. The requirement is more for recruitment and employment, both of which are not covered in this regulation. In addition, the paragraph is written in such a way as to be almost meaningless - any piece of paper that an ANSP judges to be evidence that the student could pass initial training - which they have already done if applying for the student licence.	Option A is preferred. If option B is chosen then it should be rewritten to actually mean something or add something of value.

response Accepted

Option A is accepted with the associated GM below.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or

similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment 110

comment by: DFS Deutsche Flugsicherung GmbH

Answer to 45:

We prefer Option B.

Based on empirical evidence at DFS. Finally there is less risk of legal conflicts about requirements to enter training.

response

Not accepted

Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training by the training organisations. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment 122

comment by: CAA-NL

Answer: We prefer Option A, see also our comments to ATCO.B.001

response

Accepted

Option A is accepted with the associated GM below.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

143

comment by: UK CAA

Page No: 15**Paragraph No:** 45**Comment:** UK CAA Prefers Option A.

Justification: The UK considers it important to ensure that the applicant has the required mental aptitude for the task, (some academic achievers may not necessarily have the correct aptitude for controlling). Therefore the UK would suggest that the prerequisite should be an ATCO aptitude assessment, (Eurocontrol have developed FEAST which is available to all, which could be an option in the AMC).

Proposed Text: UK CAA prefers Option A, i.e. "have successfully demonstrated the necessary ability for controlling skills by completing an ATCO aptitude assessment which will enable them to complete air traffic controller training."

response

Partially accepted

Option A is accepted with the associated GM below.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

173

comment by: SINCTA - Portuguese Air Traffic Controllers' Union

45.

Regarding the requirements to apply for a student licence, EASA proposes two options: with or without educational requirements. The Explanatory Note (45) proceeds with arguments for both proposals. In favour of the option without educational requirements they use the very strict selection procedures and the high demand to complete initial training. As we all know, and EASA also promotes it through the NPA, Initial training is becoming a business outside the ANSP control. So, the only requirement to start initial training is to have money... of course a very strict procedure but not in the path training and recruitment should be. We may also disagree about the second argument mainly because of the latest examples from Spain!

The directive and the regulation 805/2011 use the diploma granting access to university or equivalent, or any other secondary education qualification, as the minimum requirement to apply for the student licence. Although it is true, the only argument EASA gives for the option with educational requirements is the downgrading of the profession. We may easily complement it with the added value brought to the ANSP by more educated ATCOs and also with the technological developments shifting the ATC service into a more high-tech job which obviously requires more educated employees. The often used sentence that any kind of educational requirement should be an employment issue could be argued against with the fact that later it could be used as a discriminatory

response

act. Finally we shall understand the meaning of the Basic Regulation sentence where it is said that ATCOs and student ATCOs shall be sufficiently mature educationally, physically and mentally...
SINCTA is in favour of option B.

Not accepted

Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training by the training organisations. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
 MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

178

comment by: USAC-CGT

USAC-CGT supports option B as having a secondary education degree or similar qualification can be seen as a prerequisite to follow the subject taught in the basic and in the rating training.

response

Not accepted

Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
 MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

201

comment by: IFATCA

41	NPA 2012-18 (A)	Page 15 para 45	Stakeholders are invited to indicate their preferred option and to provide justification elements on the possible safety, social, and economic impact of the option chosen, or alternatively to propose another suitable and justified solution to the above issue.	In favour of Option B This is IFATCA's preferred option based on our global policies regarding selection:
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response *Not accepted*

Option A is accepted as a licensing requirement, This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment 202

comment by: IFATCA

TRNG 3.1 SELECTION

TRNG 3.1.1 AGE

IFATCA Policy is:

Applicants without previous aviation experience should be between 18 and 25 years.

See: WP 49 - Brussels 1979

TRNG 3.1.2 SELECTION

IFATCA policy is:

Applicants will be required to possess the academic qualifications required to enter a recognized post-secondary educational institution in their country. Applicants must pass the selection standards. (Brussels 79.C.6 edited Istanbul 07)

The ICAO medical requirements shall apply to all candidates for selection and other tests considered appropriate by respective Governments should be employed. The final selection of prospective controllers should be made by trained ATC personnel together with professional assessors.

There should be no discrimination between the sexes in the selection of air traffic controllers. (Toronto 80.C.15).

response *Not accepted*

Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training. Associated GM is proposed for this purpose.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment 215

comment by: EUROCONTROL

Paragraph 45: This should have been evaluated as part of the RIA. The training objectives of the Basic course have been developed with the assumption that the students are at university level.

response *Noted*

University level educational background is not a current requirement via Regulation (EU) No 805/2011, since it allows for the acceptance of 'any other secondary education qualification, which enables [...] to complete air traffic controller training'.

comment 251

comment by: SWISS AERODROMES ASSOCIATION

The option A is the preferred one. There is no demonstrated reason to set other requirements.

response *Accepted*

Option A is accepted with the associated GM below.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to

assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

264

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

ATCO.B.001(b) Student air traffic controller licence – The Transport Agency prefers option A

response

Accepted

Option A is accepted with the associated GM below.

GM1 ATCO.B.001(b) Student air traffic controller licence
MATURITY OF AIR TRAFFIC CONTROLLERS

Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.

comment

280

comment by: *DSAC - French NSA*

Paragraph

ATCO.B.001 (d)

Alternative proposal

(d) The holder of a student air traffic controller licence who has not exercised the privileges of that licence for a period of ~~one year~~ two years may only commence or continue unit training in that rating after assessment of previous competence as to whether he/she continues to satisfy the requirements relevant to that rating, and after satisfying any training requirements that result from this assessment.

Justification

- In the current initial training for ATCO in France, it would be possible in certain cases that the exercise of the privileges of the student licence won't be possible within the first year of issuance as the student will still be in the learning process on other ratings to be added to its student licence.

response

Not accepted

Following the general acceptance of the 1-year period shown by this consultation the Agency does not propose to change the approach of the NPA. The 1-year period should start from the date when the student air traffic controller licence has been issued and nothing obliges to issue a student licence

for one rating, while further training is undertaken for additional ratings.

comment	<p>283</p> <p>comment by: <i>Aura MARCULESCU</i></p> <p>Reference: ENR 45</p> <p>Proposal: We are in favor of Option B.</p> <p>Justification: Paragraph 45 offers options regarding the educational requirements as a licensing prerequisite to the student air traffic controller licence</p>
response	<p><i>Not accepted</i></p> <p>Option A is accepted as a licensing requirement. This approach, however, does not preclude the establishment of educational requirements as a prerequisite for commencing initial training. Associated GM is proposed for this purpose.</p> <p>GM1 ATCO.B.001(b) Student air traffic controller licence MATURITY OF AIR TRAFFIC CONTROLLERS</p> <p>Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.</p>
comment	<p>319</p> <p>comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>EN 45</p> <p>Stakeholders are invited to indicate their preferred option and to provide justification elements on the possible safety, social, and economic impact of the option chosen, or alternatively to propose another suitable and justified solution to the above issue.</p> <p>NATS would strongly prefer option A to be selected. The educational bar to allow an individual to enter ATCO training shouldn't be set too high. There's insufficient data on whether educational criteria in option B being achieved increases the chances of success. If the training is appropriate, compliant and successfully completed that will ensure that the candidate has the required educational maturity and that they can progress to unit training. Therefore the professionalism of the industry is maintained. Furthermore educational requirements are more related to employment criteria rather than licensing regulations. Option B is an unnecessary requirement.</p> <p>Adopt OPTION A And Delete OPTION B.</p>

response	<p><i>Accepted</i></p> <p>Option A is accepted with the associated GM below.</p> <p>GM1 ATCO.B.001(b) Student air traffic controller licence MATURITY OF AIR TRAFFIC CONTROLLERS</p> <p>Persons who wish to undertake air traffic controller training at a training organisation satisfying the requirements laid down in Annex III (Part-ATCO.OR) should be educationally, physically and mentally sufficiently mature. In order to assess their ability to complete air traffic controller training, training organisations may conduct aptitude assessments and/or set out educational or similar requirements which could serve as a prerequisite towards commencing air traffic controller training.</p>
comment	<p>340 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Article: ATCO.B.001(d) Comment / Issue / Suggestion: we suggest to replace student ATCO licence with unvalidated rating Justification: this provision should be formulated to encompass unvalidated ratings older than 1 year</p>
response	<p><i>Not accepted</i></p> <p>Although the suggested method may increase the safeguards built into the system, the Agency considers that the proposed additional requirements are too heavy, especially from an administrative point of view, since the date of completion of the rating training may vary if the holder of the student licence has acquired several ratings.</p>
comment	<p>341 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Article: ATCO.B.001(d) Comment / Issue / Suggestion: maintain time of rating validity to 4 years Justification: increased admin. Burden</p>
response	<p><i>Not accepted</i></p> <p>The subject provision tackles the transition from initial to unit training and thus the start of the unit training for a newly acquired rating; its aim and content is, therefore, different compared to the general provision on requiring an assessment of previous competence because of the interrupted exercise of a rating.</p>

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex I – Part-ATCO – Requirements for the licensing of air traffic
controllers – Subpart B – Licences, ratings and endorsements (paragraph
47-50)**

p. 15-16

comment

96

comment by: *Maastricht UAC*

Expl. Note 49 Referring to 'one licence' principle
This paragraph appears to contradict ATCO.A.010(f) which states that the licence shall remain the property of the holder.
If a (student) licence must returned to the NSA it should be voided and then sent back to the licence holder.

response

Accepted

The necessary clarification is made.

comment

102

comment by: *Maastricht UAC Training Organisation*

**Paragraph
identification:**

Justification:

Alternative proposal:

Expl. Note 49
Referring to 'one
licence' principle

This paragraph appears to
contradict ATCO.A.010(f) which
states that the licence shall remain
the property of the holder.

If a (student) licence must
returned to the NSA it should
be voided and then sent back
to the licence holder.

response

Accepted

The necessary clarification is made.

comment

144

comment by: *UK CAA*

Page No: 16

Paragraph No: 49

Comment: UK CAA supports the requirement to return the student ATC licence.

response	Accepted	
comment	281	comment by: DSAC - French NSA
	<p><u>Paragraph</u> ATCO.B.005 (c) (1) <u>Alternative proposal</u> (c) Applicants for the issue of an air traffic controller licence shall: (1)) be at least 21 years old <u>be at least the age of majority in the country where the ATCO exercises the privilege of his licence;</u> <u>Justification</u> - The duration of a unit training can be much less than 3 years and an ATCO student who was issued an ATCO student licence at the age of 18 will have to wait more than one year to be delivered an ATCO licence. In this case, the ANSP who employs him won't be able to use the student as ATCO. - The flexibility of article 14 of the regulation n°216/2008 can be used on a case by case basis but will require more paperwork for military personnel. The French authority has used the flexibility set in the directive to issue a licence for military controllers. - The time limit set in the article 14 won't help to cover the gap between age 18 when an ATCO student licence can be delivered and 21 when an ATCO licence can be delivered if a unit training has a 3 month duration on some aerodromes.</p>	
response	Accepted The text is revised to remove the reference to the age of the applicant.	
comment	282	comment by: DSAC - French NSA
	<p><u>Paragraph</u> ATCO.B.005 (f) <u>Comment</u> Requirements to be kept <u>Justification</u> This requirement helps solving question regarding the competences of controllers that provide air traffic services in the airspace covered by the treaty in the case of cross border situations when these controllers are employed by an ANSP outside the territory subject to the provision of the Treaty</p>	
response	Accepted	
comment	342	comment by: Federal Office of Civil Aviation FOCA

response	<p>Article: ATCO.B.005 Comment / Issue / Suggestion: we suggest to delete this requirement or move it to AMC Justification: Flexibility with regards to the media used (electronic licences) and administration</p>
	<p><i>Not accepted</i></p> <p>ATCO.B.005 contains all the relevant requirements related to the air traffic controller licence. It is not understandable from the comment which particular provision the commentator suggests to delete; therefore, the comment cannot be considered.</p>

A. Explanatory Note – V. Detailed explanation of the proposed provisions – Annex I – Part-ATCO – Requirements for the licensing of air traffic controllers – Subpart B – Licences, ratings and endorsements (paragraph 51) p. 16-17

comment	216	comment by: EUROCONTROL
	EUROCONTROL supports the reasons	
response	<i>Accepted</i>	

A. Explanatory Note – V. Detailed explanation of the proposed provisions – Annex I – Part-ATCO – Requirements for the licensing of air traffic controllers – Subpart B – Licences, ratings and endorsements (paragraph 53-54) p. 18-19

comment	21	comment by: LFV
	<p>Ref 53. LFV accepts the proposed text; a validity period of 12 months for unit endorsement and a 36 months cycle for UCS.</p>	
response	<p><i>Not accepted</i></p> <p>The changes proposed compared to Article 12 of Regulation (EU) No 805/2011 are purposed to eliminate 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</p>	

revalidate (extend its validity according to the previous terminology) the said endorsement. It is considered that 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.

Based on the comments received the Agency considers that the approach to align the validity of the unit endorsements and the frequency of the assessment with flexibility at unit level is supported by the majority of stakeholders, therefore it is maintained with certain editorial clarifications.

comment 46 comment by: *CANSO Civil Air Navigation Services Organization*

The proposed text is acceptable.

AMC, developed by experts and stakeholders could lend clarity to its interpretation.

It is important to retain the ability to perform continuous assessments as one of the assessment methods.

response *Accepted*

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.

comment 54 comment by: *skyguide Corporate Regulation Management*

paragraph 53 invites interested stakeholders to indicate their agreement or eventual disagreement on the 3-year maximum validity period;

Comment :

The proposed text is acceptable. AMC, developed by experts and stakeholders could lend clarity to its interpretation.

It is important to retain the ability to perform continuous assessments as one of the assessment methods.

response *Accepted*

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.

comment

73

comment by: DSNA

53.**(high priority comment for DSNA)**

The possibility to extend the unit endorsement validity period up to 3-years, is a real improvement that gives more flexibility in the overall licensing system. It allows to correct the on-going discrepancy between the 1-year validity of the unit endorsement Vs the 3-years period of the competence assessment. The proposed wording allows ANSP which are comfortable with the on-going system to keep it, and others to extend the unit endorsement validity period. On our point of view, extending the unit endorsement validity period to a 3-year period, will significantly simplify the organization, and allow to increase efficiency by reducing costs. So we fully support EASA proposal.

Regarding the assessment of practical skills, it is important to let enough flexibility to the ANSP to perform it (either on continuous assessments, on simulator...Etc). (see specific comment on § AMC1 ATCO.B.025(a)(6) Assessment of practical skills).

Regarding the conditions for revalidation in this new system, it is necessary to modify the wording of § **ATCO.B.025 Unit competence scheme(a)(3)** which is unclear (see specific comment on this article).

response

Accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.

comment

82

comment by: HungaroControl

EN 53:

The proposed text is acceptable.

response

Accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment

84

comment by: *Aaron Curtis Prospect ATCOs' Branch UK*

We agree with the 3 year maximum validity endorsement proposal.

response

Accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment

87

comment by: *DSAC - French NSA*Paragraph

Explanatory note §53

ATCO.B.020 (c)

Risk Impact Assessment §3.1

Alternative proposal

(c) Unit endorsements shall be valid for a period defined in the approved unit competence scheme. This period shall not exceed three years and shall correlate to the frequency of the assessments.

Justification

The option to extend the period of validity for the unit endorsement to 3 years will help to better manage the unit endorsement and the licence.

- the extension from 1 to 3 years of the unit endorsement will lessen the administrative burden linked to revalidation of the unit endorsement every year.

- It will lead to a standard revalidation process in line with the number of hours, assessments and completion of unit competence scheme given at the same

	<p>time for revalidation</p> <ul style="list-style-type: none"> - The process of assessment of the lengthening of the validity of unit endorsement further than one year will ensure the same level of competencies of the ATCO even if the process and time of revalidation change.
response	<p><i>Accepted</i></p> <p>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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.</p>

comment	<p>91 comment by: <i>Juan Gallego Grana - Aena</i></p>
	<p>ATCO.B.020(c)</p> <p>Aena agrees with the proposed text included in requisite ATCO.B.020(c) (question included in paragraph 53 of NPA 2012-18 (A) inviting interested stakeholders to indicate their agreement or eventual disagreement on the 3-year maximum validity period).</p> <p>It is also very important for Aena that the regulation ensures that continuous assessment is one of the assessment methods.</p>
response	<p><i>Accepted</i></p> <p>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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.</p>

comment	<p>97 comment by: <i>Maastricht UAC</i></p>
	<p>Expl. Note 53 Referring to ATCO.B.020(c) 3 year validity period for unit endorsements</p> <p>It is considered that 3 years is too long a period and could lead to a reduction of the safety standards currently in place.</p>

response

It is important to retain the ability to perform continuous assessments as one of the assessment methods.
Keep the validity period of a unit endorsement to one year.

Partially accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.

comment

103

comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
Expl. Note 53 Referring to ATCO.B.020(c) 3 year validity period for unit endorsements	It is considered that 3 years is too long a period and could lead to a reduction of the safety standards currently in place. It is important to retain the ability to perform continuous assessments as one of the assessment methods.	Keep the validity period of a unit endorsement to one year.

response

Partially accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of

administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.

comment 111

comment by: DFS Deutsche Flugsicherung GmbH

Answer to 53:

The proposed text is acceptable.

It provides for the cornerstone in the Regulation and leaves the implementation to the units and ANSPs with an ultimate control exercised by the competent authorities. This way units and ANSPs have the necessary flexibility to adapt the validity of their unit endorsement to their size and complexity.

response *Accepted*

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment 123

comment by: CAA-NL

Answer: We propose unlimited validity under similar conditions, see our comments to the related points.

response *Not accepted*

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment	<p>129</p> <p>comment by: <i>HungaroControl</i></p> <p>EN 53: The proposed text is acceptable. It is important to retain the ability to perform continuous assessments as one of the assessment methods.</p>
response	<p><i>Accepted</i></p> <p>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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.</p>
comment	<p>145</p> <p>comment by: <i>UK CAA</i></p> <p>Page No: 18 Paragraph No: 53 Comment: The provisions in article 12 of Regulation 805 /2011 should be retained. The three year period is for a review of the unit competence scheme, not an individual.</p>
response	<p><i>Not accepted</i></p> <p>The changes proposed compared to Article 12 of Regulation (EU) No 805/2011 are purposed to eliminate 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. It is considered that 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.</p> <p>Based on the comments received the Agency considers that the approach to align the validity of the unit endorsements and the frequency of the assessment with flexibility at unit level is supported by the majority of stakeholders, therefore it is maintained with certain editorial clarifications.</p> <p>Regarding the applicability of the 3-year cycle to the individual's competence under Regulation (EU) No 805/2011, please consult its Annex II, Part C, where it states that 'The competence of each air traffic controller shall be appropriately assessed at least every three years.'</p>

comment

155

comment by: *ATCEUC- Air Traffic Controllers European Unions
Coordination***Explanatory Note 53****Comment:**

ATCEUC agrees with the flexibility provision on the validity of the unit endorsements.

ATCO.B.020(c)

(c) Unit endorsements shall be valid for a period defined in the approved unit competence scheme. This period shall not exceed three years and shall correlate to the frequency of the assessments.

response

Accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment

162

comment by: *Laurent BERTIN UNSA-ICNA*

UNSA-ICNA agrees on the the proposal to extend licence validity up to 3 years.

response

Accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment	167	comment by: <i>European Transport Workers Federation - ETF</i>
	ETF agrees with the flexibility provision on the validity of the unit endorsements.	
response	<p><i>Accepted</i></p> <p>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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.</p>	

comment	174	comment by: <i>SINCTA - Portuguese Air Traffic Controllers' Union</i>
	<p>53.</p> <p>SINCTA agrees with the flexibility provision on the validity of the unit endorsements.</p>	
response	<p><i>Accepted</i></p> <p>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 of the revalidation; hence the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.</p>	

comment	179	comment by: <i>USAC-CGT</i>
	USAC-CGT is strongly in favor of the flexibility provided by this change in the validity of the unit endorsement. The revalidation process is an administrative burden each year at current time so this simplification is welcome.	
response	<p><i>Accepted</i></p> <p>Based on the evaluation of the comments received during the consultation, the Agency concludes that even though there is a number of commentators voicing</p>	

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment

187

comment by: USCA

UNIT ENDORSEMENTS VALIDITY – ATCO.B.020(c) - EN53
USCA is in favour of the flexibility for the validity of the unit endorsements

(c) Unit endorsements shall be valid for a period defined in the approved unit competence scheme. This period shall not exceed three years and shall correlate to the frequency of the assessments.

response

Accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment

194

comment by: Belgocontrol Training Centre

The proposed text is acceptable.
 AMC, developed by experts and stakeholders could lend clarity to its interpretation.
 It is important to retain the ability to perform continuous assessments as one of the assessment methods.

response

Accepted

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 of the

revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.

comment

203

comment by: IFATCA

47 NPA 2012-18
(A)

PAGE 19
53

Suggestion to retain the wording as in
805/2011

response

Not accepted

The changes proposed compared to Article 12 of Regulation (EU) No 805/2011 are purposed to eliminate 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. It is considered that 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.

Based on the comments received the Agency considers that the approach to align the validity of the unit endorsements and the frequency of the assessment with flexibility at unit level is supported by the majority of stakeholders; therefore it is maintained with certain editorial clarifications.

comment

217

comment by: EUROCONTROL

EUROCONTROL supports the coupling of the unit endorsement validity period with the competence checks. In response to the question EUROCONTROL would prefer a maximum validity period of less than 3 years, which could also be linked to the validity period of a standard medical certificate. Further, this element should be incorporated into the RIA as safety risks are linked with this change.

response

Partially accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.

comment

254

comment by: *SWISS AERODROMES ASSOCIATION*

We opt for the longest terms of validity.

response

Accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

comment

262

comment by: *Swedish Transport Agency, Civil Aviation Department
(Transportstyrelsen, Luftfartsavdelningen)*

ATCO.B.020 (c) Unit endorsements – A variation in validity time between 1–3 years for unit endorsement is OK to the age of 40 of the ATCO. The Transport Agency proposes that after 40 years of age one year validity shall be obligatory. Reference to age limit of medical certificate.

response

Partially accepted

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method. Regarding the link to the medical certificate, it is stated in ATCO.A.015 that the

exercise of the privileges granted by a licence shall be dependent on the validity of the ratings, endorsements and of the medical certificate.

comment 271 comment by: ENAV

The proposed text is acceptable.
AMC, developed by experts and stakeholders could lend clarity to its interpretation.
It is important to retain the ability to perform continuous assessments as one of the assessment methods.

response *Accepted*

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement. Continuous assessment is retained as a possible method.

comment 320 comment by: NATS National Air Traffic Services Limited

EN 53
Stakeholders are invited to comment on the proposed 3-year maximum validity period and/or provide eventual alternative proposals accompanied by justification elements on the possible safety, social, and economic impact of such proposals.
The proposed text is acceptable. AMC, developed by experts and stakeholders could lend clarity to its interpretation. It is important to retain the ability to perform continuous assessments as one of the assessment methods.

response *Accepted*

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 of the revalidation; hence, the two time frames need to be identical for the reason of administrative simplicity and legal certainty. Thus, the successful assessment shall take place within 3 months prior to the expiry date of the unit endorsement and is a prerequisite for revalidation of the endorsement.

Continuous assessment is retained as a possible method.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart B — Licences, ratings and endorsements (paragraph
55-56)**

p. 19

comment	16	comment by: <i>Belgian NSA</i>
	item 53; agree for three year validity period	
response	<i>Accepted</i>	

comment	163	comment by: <i>DATCA</i>
	<p>Ref Note 55</p> <p>In the interest of flight safety we are very concerned with the removal of the upper age limit. We find that flight safety is far more important than the consideration of the individual Air Traffic Controller (ATCO). As the Agency write in bullet 56 second para "... there is broad consensus that there is always a certain point in time when an ATCO does not anymore meet the requirements for exercising the privileges of the licence."</p> <p>We are puzzled that the Agency has an upper limit for pilots, but not finds it appropriately to enforce in the ATC community.</p> <p>Since most memberstates adhere to these regulation, they will be reluctant to use Article 14 of Basic Regulation.</p>	
response	<p><i>Noted</i></p> <p>There is no scientific evidence concerning the age until which air traffic controllers could be considered fit for their duties. Furthermore, there is no evidence for an age limit either which could be considered to apply equally to all air traffic controllers. Therefore, the Agency believes that the 'certain point in time, when an ATCO does not anymore meet the requirements for exercising the privileges of the licence' is to be detected on an individual basis and should be subject to the medical assessment, which is more frequent after the age of 40.</p> <p>Regarding the upper age limit for pilots, that requirement is an ICAO Standard which, however, even at ICAO level does not exist for air traffic controllers.</p>	

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart B — Licences, ratings and endorsements (paragraph**

p. 19-20

57)

comment

285

comment by: DSAC - French NSA

Paragraph

ATCO.B.025 (a)(3)

Alternative proposal

(3) requirements for revalidation of the unit endorsement maintaining competence, including the minimum number of hours for exercising the privileges of the unit endorsement throughout an immediately preceding period, which shall not exceed 12 months.

Justification

The wording of the requirement may imply that the counting of the number of hours is made on a rolling basis which is difficult to put into force at every moment to ascertain that the controller maintains his competence.

response

Partially accepted

Although the proposal is not fully accepted, the text is modified in order to ensure understanding.

comment

286

comment by: DSAC - French NSA

Paragraph

ATCO.B.025 (a)(3)

Alternative proposal

(3) The minimum number of hours may be reduced for on-the-job training instructors exercising the privileges of the OJTI endorsement in an operational position; ~~however, the minimum number of hours for working alone to maintain operational competence shall not be less than 50 % of the number specified according to this paragraph~~ as defined in the approved unit competence scheme;

Justification

- The requirement for the number of hours should be defined in correlation with the number of hours in the unit competence scheme approved by the competent authority.
- Defining a percentage in the regulation without actual argumentation on the relevance of the number given could lead to difficulties when the regulation is in force without means to change the figure easily.

response

Not accepted

After analysing the comments and the opinions coming from the review meetings the Agency decided to keep the spirit of the provision as proposed, although the text changes in order to ensure better understanding.

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex I – Part-ATCO – Requirements for the licensing of air traffic
controllers – Subpart B – Licences, ratings and endorsements (paragraph
58-59)**

p. 20

comment	17	comment by: <i>Belgian NSA</i>
	Item 59, NSA agrees on maintaining Level 4, 5 and 6 without the possibility to impose a higher level.	
response	<p><i>Not accepted</i></p> <p>Due to the majority of the commentators' views the possibility to require level 5 for imperative reasons of safety is maintained.</p>	
comment	69	comment by: <i>skyguide Corporate Regulation Management</i>
	<p>EN 59 and ATCO.B.030 (d)</p> <p>(d) Notwithstanding paragraph (b), extended level (level five) of the language proficiency rating scale set out in Appendix 2 to this Regulation may be required by the air navigation service provider, where the operational circumstances of the particular rating or endorsement warrant a higher level for imperative reasons of safety. Such a requirement shall be non-discriminatory, proportionate, transparent, and objectively justified by the air navigation service provider wishing to apply the higher level of proficiency and shall be approved by the competent authority.</p> <p>Although this may seem reasonable, the safe level is 4 and a level 5 should not be required per se. It is seen as a possible discriminatory opt out for employers.</p>	
response	<p><i>Not accepted</i></p> <p>Due to the majority of the commentators' views the possibility to require level 5 for imperative reasons of safety is maintained.</p>	
comment	74	comment by: <i>DSNA</i>
	<p>59.</p> <p>Today this possibility offered by §(d) exists in Regulation n°805/2011. Whereas no situation requesting level 5 for safety reasons has been encountered in France, this possibility has to remain open.</p> <p><u>So we propose to keep this §.</u></p>	
response	<i>Accepted</i>	

comment	83	comment by: HungaroControl
	<p>EN 59: In some states there may be a necessity in complex environment to require a level 5 (and not only in English). It would be better to allow for flexibility within the IR.</p>	
response	Accepted	

comment	88	comment by: DSAC - French NSA
	<p><u>Paragraph</u> Explanatory note §59 ATCO.B.030 (d) Risk Impact Assessment §3.1 <u>Alternative proposal</u> (d) Notwithstanding paragraph (b), extended level (level five) of the language proficiency rating scale set out in Appendix 2 to this Regulation may be required by the air navigation service provider, where the operational circumstances of the particular rating or endorsement warrant a higher level for imperative reasons of safety. Such a requirement shall be non-discriminatory, proportionate, transparent, and objectively justified by the air navigation service provider wishing to apply the higher level of proficiency and shall be approved by the competent authority. <u>Justification</u> The option to have a language level higher than level 4 is not used today but if needed in the future, the option should remain in the regulation. - This option is not used today in France. - It would be more difficult to address the need of a higher level without this provision in the regulation if it arises in the future.</p>	
response	Accepted	

comment	112	comment by: DFS Deutsche Flugsicherung GmbH
	<p>Answer to 59: The proposed text is acceptable. Justification by the ANSP and acceptance by the CA is flexible enough to allow particular application of a level 5 in e.g. complex environment (and not only in English).</p>	
response	Accepted	

comment	124	comment by: CAA-NL
	<p>Answer: We do not see the necessity for point (d) at all, as in point (a) there is</p>	

	<p>a minimum level of four defined. Therefore the possibility to require level five for certain functions is included. Non discriminatory is embedded in other UC law and does not have to be repeated here.</p>
response	<p><i>Not accepted</i></p> <p>Due to the majority of the commentators' views the possibility to require level 5 for imperative reasons of safety is maintained.</p>
comment	<p>146 comment by: UK CAA</p> <p>Page No: 20 Paragraph No: 59 Comment: The proposal at ATCO.B.030(d) is supported.</p>
response	<p><i>Accepted</i></p>
comment	<p>175 comment by: SINCTA - Portuguese Air Traffic Controllers' Union</p> <p>59. SINCTA agrees with this rule.</p>
response	<p><i>Accepted</i></p>
comment	<p>180 comment by: USAC-CGT</p> <p>USAC-CGT finds it important to keep the possibility to ask for a level 5 proficiency in local language when both english and local language are used on frequency and for coordinations. We think that France should use this provision in many units especially on approach and aerodrome with VFR traffic.</p>
response	<p><i>Accepted</i></p>
comment	<p>185 comment by: USCA</p> <p>USCA agrees with this proposal <i>"Notwithstanding paragraph (b), extended level (level 5) of the language proficiency rating scale set out in Appendix 2 to this Regulation may be required by the ANSP, where the operational circumstances of the particular rating or endorsement warrant a higher level for imperative reasons of safety. Such a requirement shall be non-discriminatory, proportionate, transparent, and objectively justifies by the ANSP wishing to apply the higher level of proficiency and shall be approved by the competent authority"</i></p>

response *Accepted*

comment 204

comment by: *IFATCA*

51	NPA 2012- 18 (A)	PAGE 20 PARA 59	Stakeholders are invited to comment on the current proposal in ATCO B030 (d) and/or provide eventual alternative proposals accompanied by justification elements on the possible safety, social and economic impact of such a proposal	IFATCA has no view on this. From a safety perspective IFATCA prefers English language only. Any fragmentation of the transposition of the ICAO language proficiency should be reduced to the maximum extent possible.
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response *Noted*

comment 218

comment by: *EUROCONTROL*

Standardization or verification of the tests should be introduced in this NPA to harmonise the application of Level 4.

response *Noted*

comment 253

comment by: *SWISS AERODROMES ASSOCIATION*

We do not agree with requirements for higher level proficiency or for a provision opening the way to such requirements. As said in the note, there is no demonstrated safety reason to make it necessary.

response *Not accepted*

Due to the majority of the commentators' views the possibility to require level 5 for imperative reasons of safety is maintained.

comment

261

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

ATCO.B.030 (d) Language proficiency endorsement –The Transport Agency cannot find any justification of this related to ATCO licensing. Level 4 is

response	<p>operational level according to ICAO. We propose this paragraph to be deleted.</p> <p><i>Not accepted</i></p> <p>Due to the majority of the commentators' views the possibility to require level 5 for imperative reasons of safety is maintained.</p>
comment	<p>284 comment by: Aura MARCULESCU</p> <p>Reference: ENR 59</p> <p>Proposal: We are in favor of deletion of ATCO.B.030(d).</p> <p>Justification: Paragraph 59 invites stakeholders to express their opinion on the need to maintain or delete the provision currently in ATCO.B.030(d), which links the possible requirement of level 5 language proficiency by an air navigation service provider to objective, non-discriminatory, proportionate, and transparent imperative safety reasons and competent authority approval.</p>
response	<p><i>Not accepted</i></p> <p>Due to the majority of the commentators' views the possibility to require level 5 for imperative reasons of safety is maintained.</p>
comment	<p>287 comment by: DSAC - French NSA</p> <p><u>Paragraph</u> ATCO.B.030 (b) <u>Alternative proposal</u> The applicant for any language proficiency endorsement shall demonstrate, in accordance with Appendix 2 to this Regulation, at least an operational level (level four) of language proficiency both in the use of phraseology and plain language.</p> <p><u>Justification</u></p> <ul style="list-style-type: none"> - The ICAO level for language proficiency uses a more global term for defining the perimeter of this language proficiency that a controller can meet in all kind of situation when providing air traffic services. - the precision of "phraseology and plain language" can narrow the field where language proficiency is assessed and not represent all the situations the controller could face when providing air traffic services.
response	<p><i>Accepted</i></p>
comment	<p>288 comment by: DSAC - French NSA</p>

	<p><u>Paragraph</u> Explanatory note §59 ATCO.B.030 (d) Risk Impact Assessment §3.1 <u>Alternative proposal</u> (d) Notwithstanding paragraph (b), extended level (level five) of the language proficiency rating scale set out in Appendix 2 to this Regulation may be required by the air navigation service provider, where the operational circumstances of the particular rating or endorsement warrant a higher level for imperative reasons of safety. Such a requirement shall be non-discriminatory, proportionate, transparent, and objectively justified by the air navigation service provider wishing to apply the higher level of proficiency and shall be approved by the competent authority.</p> <p><u>Justification</u> The option to have a language level higher than level 4 is not used today but if needed in the future, the option should remain in the regulation. - This option is not used today in France. - It would be more difficult to address the need of a higher level without this provision in the regulation if it arises in the future.</p>
response	<i>Accepted</i>

comment	<p>289</p> <p>comment by: <i>DSAC - French NSA</i></p> <p><u>Paragraph</u> ATCO.B.035 (a) (3) <u>Alternative proposal</u> (a) <u>Except for an expert level (level six) in accordance with Appendix 2 to this Regulation in the local language</u>, the validity of the language proficiency endorsement shall be: [...] (3) nine years from the date of assessment if the level demonstrated is expert level (level six) in accordance with Appendix 2 to this Regulation. OR (3) nine years from the date of assessment if the level demonstrated is expert level (level six) in accordance with Appendix 2 to this Regulation <u>in english language</u>.</p> <p><u>Justification</u> - The need to assess every 9 years, the language proficiency for controllers arised from an issue for the UK regarding the loss of level in English for controller with an expert level, level 6 when they leave the UK to work as controller in a non English-speaking country. - The case of the use of the local language in a controller environment in another country is not relevant for other local languages. - The loss of accuracy in the local language for a level 6 controller living in a foreign country is minimal and won't mean, even after 15-20 years, a drastic loss of language proficiency of the controller. The controller will only need a refreshment course due to the evolution of phraseology and technical language. - The application of this requirement for the local language will mean in France an extra cost and an extra administrative charge to assess all controllers in the local language. The extra cost will arise from the development of new assessment for 6000 french controller, the language assessors needed as the</p>
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	<p>assessment of level 6 means a higher qualification concerning linguistic knowledge compared with level 4 or level 5.</p> <p>The extra cost is implicitly linked to the organisation of the roadster due to the absence of the controllers during their assessment.</p> <p>- See also the comments on the risk impact assessment paragraph 7.</p>
response	<p><i>Accepted</i></p> <p>The proposal for the 9-year validity period is now reduced for the English language only.</p>

comment	<p>290</p> <p>comment by: <i>DSAC - French NSA</i></p> <p><u>Paragraph</u> ATCO.B.040 <u>Alternative proposal</u> The demonstration of language proficiency shall be done through a method of assessment established <u>approved</u> by the competent authority, which shall contain: <u>Justification</u> - No explanation is given to a change from "approval" in regulation n°805/2011 to "establishment" in the NPA for the language proficiency assessment. - The competent authorities don't know to what extent, compared with the assessments used today, its requirements in terms of number of language assessors, means and equipments to be used, the established method can lead to a major change of organisation for the providers, to significant increase in cost... - Regarding the possible financial, social and organisational impact of new requirements related to the language assessment, it seems more adequate to have the competent authority approve the language assessment method established and presented by the provider.</p>
response	<p><i>Accepted</i></p>

comment	<p>321</p> <p>comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>EN 59 Stakeholders are invited to comment on the current proposal in ATCO.B.030(d) and/or provide eventual alternative proposals accompanied by justification elements on the possible safety, social, and economic impact of such proposals. NATS strongly supports this provision for imperative reasons of safety.</p>
response	<p><i>Accepted</i></p>

comment	343	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: ATCO.B.030 b) Comment / Issue / Suggestion: we suggest to remove the requirement to check the phraseology level Justification: This is a contradiction in terms and makes no sense. The correct use of the phraseology is guaranteed and checked in the initial training and in the CS</p>	
response	<i>Accepted</i>	

comment	344	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: ATCO.B.030 and 040 - local language requirements Comment / Issue / Suggestion: we suggest that the local language requirements should be revised Justification: Over-regulation and not necessary because English has to be provided and the local language may be provided</p>	
response	<p><i>Noted</i></p> <p>It is not fully clear, based on the comment, to which direction the commentator wishes to suggest a revision of the local language requirements.</p>	

comment	345	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: ATCO.B.030 d) Comment / Issue / Suggestion: What are imperative reasons of safety. Justification: provide definition.</p>	
response	<p><i>Not accepted</i></p> <p>The ANSP wishing to apply such requirements should justify the needs on a case-by-case basis; therefore, and due to the diverse possible situations, providing a definition is not considered realistic.</p>	

A. Explanatory Note — V. Detailed explanation of the proposed provisions — Annex I — Part-ATCO — Requirements for the licensing of air traffic controllers — Subpart B — Licences, ratings and endorsements (paragraph	p. 20-21
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60-61)

comment 44 comment by: *Belgian NSA*

The text of the 805/2011 Reg should be maintained for the English endorsement test: CA APPROVES the test but does not necessarily have the competence to do the test.

response *Accepted*

comment 78 comment by: *DSAE/DIRCAM/SDSA*

Level 6 testing in english only.
Doesn't make any sense about national languages when someone lives and works in his local language environment.

response *Accepted*

Following the proposal of the majority 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.

comment 108 comment by: *ENAC-FRANCE*

60. ATCO.B.035(a)(3) introduces a change concerning the **validity of the expert level (level 6) language proficiency endorsement**, namely to introduce a validity period of 9 years. The reasons for this proposed change, as well as the possible impacts, are analysed and substantiated in Chapter 7 of the attached Regulatory Impact Assessment.

This proposed change is aiming at limiting the safety risks potentially caused by the uncontrolled maintenance of expert level proficiency based on eventually inadequate assessments and to establish means to detect and mitigate possible language erosion.

Comment:

This requirement goes far beyond ICAO standards and even beyond aircrew requirements.

See comment on Cover regulation paragraph 9:

*This requirement goes far beyond ICAO requirements and would generate significant administrative burden. A validity date for language proficiency level 6 would be useless, as **the majority of controllers concerned are native speakers of the language, living and working in their home***

	<p><i>environment, and there is little chance that there will be any language erosion in their cases. Even when it concerns controllers who are not using the language on a daily base, but only in their work environment, we do not believe that language erosion could lead them to a level lower than level 4. That for this requirement does not meet a safety necessity. Renewing their level 6 every 9 years would be costly and unnecessary.</i></p>
response	<p><i>Noted</i></p> <p>Following the proposal of the majority 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.</p> <p>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.</p>
comment	<p>219 comment by: EUROCONTROL</p> <p>This change would not be necessary if valid and reliable tests would have been used in the past. Language attrition from an honest L6 to below L4 is not happening. Only reason could be a return to operational environment after several years without similar experience.</p>
response	<p><i>Noted</i></p> <p>Following the proposal of the majority 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.</p> <p>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.</p>
comment	<p>322 comment by: NATS National Air Traffic Services Limited</p> <p>EN 60 Assessment every 9 years for holders of a Level 6 Language Proficiency Endorsement NATS strongly supports this provision but for English language only and not for other local/national languages.</p>
response	<p><i>Accepted</i></p> <p>Following the proposal of the majority 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</p>

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.

comment

329

comment by: *ERAC European Regional Aerodrome Community*

We do not agree with requirements for higher level proficiency or for a provision opening the way to such requirements. There is no demonstrated safety reason to make it necessary.

response

Not accepted

Following the proposal of the majority 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.

comment

346

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.B.035 (a) (3)

Comment / Issue / Suggestion:

Level 6 testing every 9 years should be introduced only for English

Justification:

it only makes sense for English that may erode with time for people not living in an english speaking environment. However, there is no risk of local language erosion when one lives and works in that language.

response

Accepted

Following the proposal of the majority 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.

62)

comment	220	comment by: EUROCONTROL
	<p><i>"While language testing is a specialised domain..."</i></p> <p>This statement is no longer true. In 2012 ICAO has launched the ICAO language proficiency test endorsement mechanism confirming that a test meets all requirements and follows best practise in language testing.</p>	
response	Noted	

comment	347	comment by: Federal Office of Civil Aviation FOCA
	<p>Article: ATCO.B.040</p> <p>Comment / Issue / Suggestion: competent authority is responsible for approving a language proficiency test, which could be established or developed elsewhere.</p> <p>Justification: The CA might not have the necessary competence to develop such a test.</p>	
response	Accepted	

comment	348	comment by: Federal Office of Civil Aviation FOCA
	<p>Article: AMC 1-4 to ATCO.B.040</p> <p>Comment / Issue / Suggestion: AMC 1-4 to be deleted.</p> <p>Justification: These AMC are copied from ICAO Doc. 9835 and are taken out of context.</p>	
response	<p>Not accepted</p> <p>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 the formulation of the material is not purposed for mandatory use. Reproducing parts of it 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. Their mandatory application and uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document.</p>	

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart C — Instructor and assessor certification**

p. 21-22

comment 98

comment by: Maastricht UAC

Expl. Note 66 Theoretical vs. Practical definition

The definition is not explicit enough and may lead to an undesirable interpretation whereby constraints are put on the Training organisation to provide OJTI / STDI in PTT when separate tasks are being demonstrated / practiced.

Add 'practical training' to Article 3 Definitions - any time when the ATCO practical competencies are being demonstrated either on a simulator or in the live environment.

Add 'theoretical training' to Article 3 Definitions - The acquisition of knowledge by instruction. Instruction may be classroom, CBT or PTT based with the intention to enhance the knowledge and understanding of the student. In addition, provide GM to Article 3 stating: An instructor providing theoretical training with PTT must be appropriately qualified and have demonstrated instructional skills to the Training organisation.

response *Partially accepted*

The proposal in NPA 2012-18 on STDI qualifications has been misinterpreted by linking the use of a tool or training device for whatever purpose 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 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 training tools. Following these changes further definitions are not considered necessary.

comment 104

comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
Expl. Note 66 Theoretical vs. Practical definition	The definition is not explicit enough and may lead to an undesirable interpretation whereby constraints are put on the Training organisation to provide OJTI / STDI in PTT when	Add 'practical training' to Article 3 Definitions - any time when the ATCO practical competencies are being demonstrated either on a simulator or in the live environment.

	separate tasks are being demonstrated / practiced.	Add 'theoretical training' to Article 3 Definitions - The acquisition of knowledge by instruction. Instruction may be classroom, CBT or PTT based with the intention to enhance the knowledge and understanding of the student. In addition, provide GM to Article 3 stating: An instructor providing theoretical training with PTT must be appropriately qualified and have demonstrated instructional skills to the Training organisation.
response	<p><i>Partially accepted</i></p> <p>The proposal in NPA 2012-18 on STDI qualifications has been misinterpreted by linking the use of a tool or training device for whatever purpose 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 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 training tools. Following these changes further definitions are not considered necessary.</p>	

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex I – Part-ATCO – Requirements for the licensing of air traffic
controllers – Subpart C – Instructor and assessor certification –
Determining the form of the certificate**

p. 22-23

comment	221	comment by: EUROCONTROL
	Paragraph 69: Typing error - Article 3 of 805/2011 contains the definitions	
response	<p><i>Noted</i></p> <p>In the proposed draft rule the definitions are contained in Article 3 which is the</p>	

provision referenced in this context; therefore, the reference to Regulation (EU) No 805/2011 is not necessary.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart C — Instructor and assessor certification —
Instructors**

p. 23-24

comment

18

comment by: *Belgian NSA*

Item 79; the remark "have been entitled to act as an air traffic controller" requires clear guidelines to allow CAs to address the issue of a licence with STDI endorsement for these ex-ATCOs.
The broad view of the requirement allows people having worked in the ATS environment during at least two years, prior 2006 (date of the directive) to apply for a lic with the STDI endorsement. And this counts for both military and civil ATCOs.

response

Noted

Since the issue has not been raised by other commentators, the Agency believes that the term used is clearly understood. However, if considered necessary, the Agency would welcome concrete proposals to establish such GM.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart C — Instructor and assessor certification —
Theoretical instructors**

p. 24

comment

349

comment by: *Federal Office of Civil Aviation FOCA*

Article:
AMC1 ATCO.C.001 (b) 2
Comment / Issue / Suggestion:
should be GM rather than AMC
Justification:
It is not known how complete the provided list is and if there is something important missing.

response

Partially accepted

In order to ensure a certain level of harmonisation, the Agency believes that the proposal should stay as AMC; however, the non-exhaustive nature of the

list is accepted and mirrored in the text. The commentator is requested to be more precise on the missing important elements.

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex I – Part-ATCO – Requirements for the licensing of air traffic
controllers – Subpart C – Instructor and assessor certification – Practical
instructors**

p. 24-25

comment 222 comment by: EUROCONTROL

Paragraph 83: Support the proposal for a time limit for the completion of the instructional techniques course prior to the application for an OJTI endorsement.

response Accepted

comment 291 comment by: DSAC - French NSA

Paragraph

ATCO.C.010 (b)

Alternative proposal

(b) Holders of an OJTI endorsement shall only exercise the privileges of the endorsement if they have:

(1) at least ~~two years'~~ one year' experience in the rating they will instruct in;

[...]

~~(c) The period of two years referred to in paragraph (b)(1) can be shortened to not less than one year by the competent authority in duly justified cases when requested by the training organisation.~~

Justification

- In regulation n°805/2011, the requirement for the issue and the exercise of the OJTI privileges is set at one year without any safety event related to this one year period.

- There doesn't exist any safety related element to make the changes from a one year period defined in the European laws since the directive 23/2006 to a two year period as this one year period has been applied for French ATCOs's training for a long time before the application of European regulations .

- Furthermore, the process of shortening to one year in duly justified cases may reduce the cases where this one year period is applicable and consequently lead to a change of organisation where no safety related event can be linked with this one year period.

response Not accepted

Taking into account other comments and the discussions at the review meetings the Agency believes that the 2-year period should remain as

proposed. However, the competent authority could shorten the period to not less than 1 year when requested by the training organisation. The AMC with examples is maintained.

comment

292

comment by: DSAC - French NSA

Paragraph

ATCO.C.015

Alternative proposal

(b) have exercised the privileges of an air traffic controller licence for an immediately preceding period of at least ~~two years~~ one year. ~~This period can be shortened to not less than one year by the competent authority in duly justified cases when requested by the training organisation;~~

Justification

- In regulation n°805/2011, the requirement for the issue and the exercise of the OJTI privileges is set at one year without any safety event related to this one year period.

- There doesn't exist any safety related element to make the changes from a one year period defined in the European laws since the directive 23/2006 to a two year period as this one year period has been applied for French ATCOs's training for a long time before the application of European regulations.

- Furthermore, the process of shortening to one year in duly justified cases may reduce the cases where this one year period is applicable and consequently lead to a change of organisation where no safety related event can be linked with this one year period.

response

Not accepted

Taking into account other comments and the discussions at the review meetings the Agency believes that the 2-year period should remain as proposed. However, the competent authority could shorten the period to not less than 1 year when requested by the training organisation. The AMC with examples is maintained.

comment

293

comment by: DSAC - French NSA

Paragraph

ATCO.C.020

Alternative proposal

(b) It may be revalidated by:

(1) receiving approved refresher training on practical instructional skills during the validity period of the OJTI endorsement; and

~~(2) either successfully passing a practical instructor competence assessment; or~~

~~(3) exercising the privileges of the OJTI endorsement for a minimum amount of time as defined in the unit competence scheme.~~

~~If the successful practical instructor competence assessment referred to in paragraph (b)(2) takes place within the first two years of the validity, the validity of the OJTI endorsement is extended for a period of three years starting from the assessment date.~~

	<p><u>Justification</u></p> <p>- In basic regulation n°216/2008, “(ii) Instruction on practical skills shall be given by appropriately qualified instructors, who have the following qualifications:[...] iv. receive regular refresher training to ensure that the instructional competences are maintained. » The revalidation of the OJTI endorsement should then be only related to a refresher training.</p>
response	<p><i>Partially accepted</i></p> <p>The relevant essential requirement requires that instructors on practical skills ‘receive regular refresher training to ensure that the instructional competences are maintained’. The Agency considers that in order to meet this requirement there should be a mechanism of verification whether the instructional competences are maintained.</p> <p>Although the Agency believes that the originally proposed option to meet two out of the three requirements for revalidation of the endorsement has been a good approach, it accepts that it may be difficult to maintain currency due to the seasonality of the training tasks.</p> <p>From the safety perspective this situation, however, only reinforces the need for the above-mentioned verification. Therefore, the Agency is proposing to maintain the approved refresher training as the only criterion for revalidation which, however, shall be successfully completed. This approach includes the necessary flexibility as regards the verification means which is further elaborated via an associated AMC and meets, at the same time, the underlying essential requirement.</p>
comment	<p>350 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Article: ATCO.C.010 (b) Comment / Issue / Suggestion: change from rating to validated rating Justification: not having that restriction would mean that the two years begin when the student ATCO is undergoing OJT in that rating. Not according to ATCO.C.015</p>
response	<p><i>Partially accepted</i></p> <p>The spirit of the comment is considered and the text is amended.</p>
comment	<p>351 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Article: ATCO.C.015 ICW ATCO.C.020 Comment / Issue / Suggestion:</p>

	<p>the one year restriction for the instructional techniques course might be too short Justification: align with competence cycle of three years</p>
response	<p><i>Accepted</i></p> <p>The 1-year requirement is maintained for the instructional techniques course to be undertaken before the application for the OJTI endorsement or for renewal. For revalidation only the refresher training is required under the amended requirements, which is to be undertaken during the validity period of the OJTI endorsement.</p>
comment	<p>352 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Article: ATCO.C.020 (b) 2 Comment / Issue / Suggestion: assessment vs. Min amount of time is not clear Justification: it does not make sense to assess an OJTI with a formal test when having a feedback system in place that has a much higher output.</p>
response	<p><i>Accepted</i></p> <p>The text is amended and requires only the successful completion of refresher training for the revalidation of the OJTI endorsement.</p>
comment	<p>353 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Article: ATCO.C.020 c) Comment / Issue / Suggestion: delete restriction for OJTI ATCO.C.020 c) 2) or rephrase inline with ATCO.C.015 c) Justification: assessing an OJTI beside conducting a training for the renewal of the endorsement is more restricting as for somebody applying to be OJTI for the first time.</p>
response	<p><i>Accepted</i></p> <p>The requirements for renewal only foresee refresher training on practical instructional skills and successful practical instructor competence assessment, while for the first issue successful completion of a practical instructional techniques course is required.</p>

comment	357	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: ATCO.C.020 ICW ATCO.B.025 Comment / Issue / Suggestion: Requirement for competency scheme and -assessment of OJTI is outside the scope of the BR Justification: BR Annex V b , 4 g) (ii) only requires regular refresher training for maintaining competence</p>	
response	<p><i>Partially accepted</i></p> <p>The relevant essential requirement requires that instructors on practical skills 'receive regular refresher training to ensure that the instructional competences are maintained'. The Agency considers that in order to meet this requirement there should be a mechanism of verification whether the instructional competences are maintained.</p> <p>Although the Agency believes that the originally proposed option to meet two out of the three requirements for revalidation of the endorsement has been a good approach, it accepts that it may be difficult to maintain currency due to the seasonality of the training tasks.</p> <p>From the safety perspective this situation, however, only reinforces the need for the above-mentioned verification. Therefore, the Agency is proposing to maintain the approved refresher training as the only criterion for revalidation which, however, shall be successfully completed. This approach includes the necessary flexibility as regards the verification means which is further elaborated via an associated AMC and meets, at the same time, the underlying essential requirement.</p>	

A. Explanatory Note – V. Detailed explanation of the proposed provisions – Annex I – Part-ATCO – Requirements for the licensing of air traffic controllers – Subpart C – Instructor and assessor certification – Practical instructors (paragraph 85) p. 25-26

comment	354	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>Article: ATCO.C.025 a) Comment / Issue / Suggestion: Make the link to 1034/2011 and delete "safety risk assessment" Justification: otherwise we have double regulation regarding safety assessments</p>	
response	<p><i>Partially accepted</i></p> <p>In order to avoid confusion and possible conflicting rules with regard to 'safety</p>	

risk assessment' the future proposal uses the term 'safety analysis', which is in line with the majority of the comments under ATCO.C.025.

comment 355 comment by: *Federal Office of Civil Aviation FOCA*

Article:
ATCO.C.025 b)
Comment / Issue / Suggestion:
Delete restriction for the one year within the competence cycle.
Justification:
It makes no sense to add a new restriction as long as the current OJTI Endorsement is valid

response *Accepted*

The proposed provision is simplified by deleting the previously proposed minimum experience requirement in order not to pre-empt the mitigation means, by which the equivalent level of safety is ensured and which are to be demonstrated by the safety analysis.

comment 356 comment by: *Federal Office of Civil Aviation FOCA*

Article:
ATCO.C.025
Comment / Issue / Suggestion:
delete temporary OJTI and incorporate in ATCO.C.015 as a special condition
Justification:
As the OJTI Endorsement is linked to the rating and is a license endorsement it makes no sense to issue a temporary OJTI Endorsement as long as the OJTI Endorsement is not linked to the unit endorsement.

response *Not accepted*

Conflicts with the previous comment on the same issue, which is accepted.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart C — Instructor and assessor certification — Practical
instructors (paragraph 86)**

p. 26

comment 294 comment by: *DSAC - French NSA*

Paragraph
ATCO.C.030

	<p><u>Alternative proposal</u> (b) Notwithstanding paragraph (a), for the purpose of basic <u>initial</u> training any rating held is appropriate.</p> <p><u>Justification</u> The organisation for the French initial training school let any controller holding and having exercised the privilege any rating to provide basic and rating training rating. For those that have not exercised the privilege of the rating, the school provides a refreshing course and also a training is defined to ensure that all STDI instructors follow the framework set by the school for the training on practical skills required in the ratings.</p>
response	<p><i>Partially accepted</i></p> <p>The text is revised. The new proposal states that the privileges of the STDI endorsement with regard to the initial training include authorisation to provide 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.</p>
comment	<p>295 comment by: DSAC - French NSA</p> <p><u>Paragraph</u> ATCO.C.040 (b) <u>Alternative proposal</u> (b) It may be revalidated by: (1) receiving approved refresher training on practical instructional skills and current operational practices during the validity period of the STDI endorsement; and (2) either successfully passing a practical instructor competence assessment; or (3) exercising the privileges of the STDI endorsement for a minimum amount of time as defined by the training organisation according to ATCO.OR.C.010. If the successful practical instructor competence assessment referred to in paragraph (b)(2) takes place within the first two years of the validity, the validity of the STDI endorsement is extended for a period of three years starting from the assessment date.</p> <p><u>Justification</u> - In basic regulation n°216/2008, “(ii) Instruction on practical skills shall be given by appropriately qualified instructors, who have the following qualifications:[...] iv. receive regular refresher training to ensure that the instructional competences are maintained. » The revalidation of the STDI endorsement should then be only related to a refresher training.</p>
response	<p><i>Partially accepted</i></p> <p>The relevant essential requirement requires that instructors on practical skills ‘receive regular refresher training to ensure that the instructional competences are maintained’. The Agency considers that in order to meet this requirement</p>

there should be a mechanism of verification whether the instructional competences are maintained.

Although the Agency believes that the originally proposed option to meet two out of the three requirements for revalidation of the endorsement has been a good approach, it accepts that it may be difficult to maintain currency due to the seasonality of the training tasks.

From the safety perspective this situation, however, only reinforces the need for the above-mentioned verification. Therefore, the Agency is proposing to maintain the approved refresher training as the only criterion for revalidation which, however, shall be successfully completed. This approach includes the necessary flexibility as regards the verification means which is further elaborated via an associated AMC and meets, at the same time, the underlying essential requirement.

comment

358

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.C.040

Comment / Issue / Suggestion:

Requirement for competency scheme and -assessment of STDI is outside the scope of the BR

Justification:

BR Annex V b , 4 g) (ii) only requires regular refresher training for maintaining competence

response

Partially accepted

The relevant essential requirement requires that instructors on practical skills 'receive regular refresher training to ensure that the instructional competences are maintained'. The Agency considers that in order to meet this requirement there should be a mechanism of verification whether the instructional competences are maintained.

Although the Agency believes that the originally proposed option to meet two out of the three requirements for revalidation of the endorsement has been a good approach, it accepts that it may be difficult to maintain currency due to the seasonality of the training tasks.

From the safety perspective this situation, however, only reinforces the need for the above-mentioned verification. Therefore, the Agency is proposing to maintain the approved refresher training as the only criterion for revalidation which, however, shall be successfully completed. This approach includes the necessary flexibility as regards the verification means which is further elaborated via an associated AMC and meets, at the same time, the underlying essential requirement.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart C — Instructor and assessor certification — Assessors**

p. 26-27

comment	147	comment by: UK CAA
	<p>Page No: 26 Paragraph No: 89 Comment: This paragraph states that initial training assessors do not need to hold an assessor endorsement, this explanation should also include that an OJTI assessing as part of the Unit Training Plan does not need to hold an assessor endorsement. Justification: For clarity to distinguish between those who do not require the assessor endorsement.</p>	
response	<p><i>Partially accepted</i></p> <p>The requirements relevant to assessors are completely revised and redrafted. For further details please consult the resulting text in the attachment to the responses in the file B.I.</p>	
comment	223	comment by: EUROCONTROL
	<p>Paragraph 87 (ii): Suggest to remove on practical skills from (ii).</p>	
response	<p><i>Not accepted</i></p> <p>The quote refers to the text of Regulation (EC) No 216/2008.</p>	
comment	296	comment by: DSAC - French NSA
	<p><u>Paragraph</u> ATCO.C.060 (b) <u>Alternative proposal</u> (b) It may be revalidated by: (1) receiving approved refresher training on assessment skills during the validity period of the assessor endorsement; and (2) either successfully passing an assessor competence assessment; or (3) exercising the privileges of the assessor endorsement for a minimum number of assessments as defined in the unit competence scheme. If the successful assessor competence assessment takes place within the first two years of the validity, the validity is extended for three years starting from the assessment date. <u>Justification</u> - In basic regulation n°216/2008, (i) Persons responsible for assessing the skill of air traffic controllers shall: ii. receive regular refresher training to ensure that the assessment standards are maintained up to date. » The revalidation of the assessor endorsement should then be only related to a refresher training.</p>	

response *Partially accepted*

The relevant essential requirement requires that persons responsible for assessing the skill of air traffic controllers 'receive regular refresher training to ensure that the assessment standards are maintained up to date'. The Agency considers that in order to meet this requirement there should be a mechanism of verification whether the assessment standards are maintained.

Although the Agency believes that the originally proposed option to meet two out of the three requirements for revalidation of the endorsement has been a good approach, it accepts that it may be difficult to maintain currency due to the seasonality of the training and assessment tasks.

From the safety perspective this situation, however, only reinforces the need for the above-mentioned verification. Therefore, the Agency is proposing to maintain the approved refresher training as the only criterion for revalidation which, however, shall be successfully completed. This approach includes the necessary flexibility as regards the verification means which is further elaborated via an associated AMC and meets, at the same time, the underlying essential requirement.

comment 297

comment by: DSAC - French NSA

Paragraph

ATCO.C.045 (b) (2)

Alternative proposal

(2) of air traffic controllers for the issue of a unit endorsement and rating endorsements, if applicable, ~~as well as for revalidation and renewal of a unit endorsement.~~

Justification

The assessors shall be required to assess practical skills only for student air traffic controllers.

- Following the application of current regulation on licence, the check on practical skills for air traffic controllers in France is achieved by controllers who have followed a training on method for assessment as OJTI. They don't necessarily hold a certificate as assessors.

- The process for checking practical skills for French air traffic controllers was organized around a higher availability through the rostering system of controllers holding an instructor endorsement. The conditions required for being an assessor are more drastic and there are much less assessors in the operational units compared to the number of instructors. Consequently, the new requirement to have the check for controllers done by assessors instead of instructors will have a major on the organization of the assessment of the practical skills of French air traffic controllers in terms of rostering organization for the assessors who will have to be off operational functions more frequently to ensure much more assessments than currently.

response *Not accepted*

The Agency believes that no differentiation can be made on objective grounds between practical skills being assessed for the issue of a unit endorsement and

for the revalidation or renewal of the same assessment from the perspective of the personnel entitled to undertake the required assessment. The Agency sees no issue in maintaining or establishing different categories of certified assessors at national level according to potentially diverse needs, provided that they meet the same qualification and certification requirements since they are undertaking assessments for the same purpose.

comment

359

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.C.060 ICW ATCO.B.025

Comment / Issue / Suggestion:

Requirement for competency scheme and -assessment of assessors is outside the scope of the BR

Justification:

BR Annex V b , 4 h) (i) only requires regular refresher training for maintaining competence

response

Partially accepted

The requirements relevant to assessors are completely revised and redrafted. For further details please consult the resulting text in the attachment to the responses in the file B.I.

comment

360

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.C.055 a

Comment / Issue / Suggestion:

A valid unit endorsement is not necessarily needed, the applicant just has to have worked as an ATCO

Justification:

BR Annex V b , 4 h) (ii) only requires regular refresher training for maintaining competence

response

Accepted

The requirements relevant to assessors are completely revised and redrafted. For further details please consult the resulting text in the attachment to the responses in the file B.I.

comment

361

comment by: *Federal Office of Civil Aviation FOCA*

Article:

ATCO.C.055 b

Comment / Issue / Suggestion:

have exercised the privileges of an air traffic controller licence for an immediately preceding period of at least two years

response	Justification: BR Annex V b , 4 h) (ii) only requires regular refresher training for maintaining competence
	Accepted The requirements relevant to assessors are completely revised and redrafted. For further details please consult the resulting text in the attachment to the responses in the file B.I.

comment	362	comment by: <i>Federal Office of Civil Aviation FOCA</i>
response	Article: ATCO.C.045 e Comment / Issue / Suggestion: When assessing practical skills during unit endorsement courses or for the renewal of the unit endorsement the assessor shall have OJTI an on-the-job training instructor endorsement and a valid unit endorsement in the working position / sector where the assessment is taking place, or an OJTI with a valid current unit endorsement in the working position where the assessment is taking place shall be present to ensure safety. Justification: Safety	
	Accepted The requirements relevant to assessors are completely revised and redrafted. For further details please consult the resulting text in the attachment to the responses in the file B.I.	

comment	363	comment by: <i>Federal Office of Civil Aviation FOCA</i>
response	Article: ATCO.C.055 d Comment / Issue / Suggestion: we suggest to remove the ATCO.C.055 d Justification: ATCO.C.055 c already addresses that the applicant has been assessed (successfully completed) and this is in line with the BR	
	Accepted The requirements relevant to assessors are completely revised and redrafted. For further details please consult the resulting text in the attachment to the responses in the file B.I.	

A. Explanatory Note — V. Detailed explanation of the proposed provisions — p. 29-31 Annex I — Part-ATCO — Requirements for the licensing of air traffic
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controllers – Subpart D – Air traffic controller training – Section 2 Initial training requirements

comment 10

comment by: ENAC-FRANCE

110.Comment:

It would be more logical to have one single document.

When objectives have to be updated, it is probable that linked sub topics may be modified as well.

Proposal:

Only the subjects should be retained in the IR.

Have the general objective of subjects, topics and sub topics in one single document in the AMC.

113.Comments:

ENAC fully supports the work completed by ACCCTF in 2012. It should be integrated into EASA CRD and opinion after a review and an update taking into account the analysis of comments made on NPA.

ENAC would like to highlight the importance for training organisations, ANSPs and competent authorities of participating in the updating of training objectives through their experts attending to ACCCTF.

This process of updating should be defined clearly by EASA and then continue in the same "configuration" as training objectives need to be updated regularly.

117 and 118Comment:

The score of 75% of the total marks allocated in an examination to pass, depends on the way the evaluation is performed. MCQ could satisfy this requirement, but it depends on the subject treated.

However, open questions could have a different threshold for the pass mark.

In any case, a score of 75% does not necessarily mean that the student has a good understanding of the subject.

ENAC believes that the best way to measure the level of understanding of a student is "open questions" which are more difficult to evaluate in terms of percentage.

Proposal:

Delete BI ATCO D.015b) and ATCO D.020.b)

response *Partially accepted*

Paragraph 110:

The rationale for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency decided to introduce a change to the proposed methodology for the transposition, as follows:

- Subjects, topics and subtopics are transposed into Implementing Rules;
- Subject objectives and training objectives are transposed into AMC. The AMC now include also the subject, topics and subtopics referred to the

subject objectives and training objectives, with the indication of their different regulatory status. With this approach, all the Common Core Content is available in a single source document in order to facilitate its reading, as requested by several stakeholders.

Paragraph 113:

The Agency fully agrees with the need for the future maintenance of the ATCO Initial Training requirements, as transposed into EU legislation. It is obvious that the Agency itself cannot possess and maintain such detailed knowledge and experience in ATCO training. Therefore, it is foreseen to establish a rulemaking task in which the industry has 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. The Agency is committed to ensure that such future activity is undertaken in the most efficient way while only the industry itself can decide how it wishes to organise its resources in this regard.

Paragraphs 117 and 118:

The Agency is of the opinion that a minimum pass mark is to be established in order to ensure that a successful theoretical examination testifies a reasonably high level of knowledge and understanding. The value of 75 % is a compromise agreed among the Agency and the experts consulted on this subject throughout the rule drafting process and the review of the NPA comments.

comment

99

comment by: *Maastricht UAC*

Expl. Note 108 CCC transposition (see RIA Chapter 9) and Recital 12

The option chosen i.e. transposition gives too much influence to one body to unilaterally change the CCC requirements. An additional risk is that the flexibility to update the CCC is compromised. Transposition goes against harmonisation as the objectives will be in AMC and therefore there is the possibility for alternate means of compliance to be approved and used. Where EASA states that there may be confusion as to the latest document to be used, we do not agree as: 1. the latest document may always be accessed through Eurocontrol and 2. alternate means of compliance will lead to more than one 'valid' document which may be used. Updating the Eurocontrol specification is done through a task force of stakeholder experts and can fully reflect the changing training environment whereas transposition means that updating the content will have to follow the EASA regulation update process.

Option 2(b) (dynamic referencing) is the preferred option. However, if the transposition option is taken then a process should be established by EASA for regularly updating the training objectives. This should be done by experts representing ANSPs, training organisations and competent authorities. Additionally, only subject titles should be at IR level. The subject objectives, topics and sub topics should be listed in the AMC in order to have a single, easy to use document; thereby enabling it to be modified when necessary.

response **Noted**

The rationale for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency decided to introduce a change to the proposed methodology for the transposition, as follows:

- Subjects, topics and subtopics are transposed into Implementing Rules;
- Subject objectives and training objectives are transposed into AMC. The AMC now include also the subject, topics and subtopics referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach, all the Common Core Content is available in a single source document in order to facilitate its reading, as requested by several stakeholders.

It is recalled that the approval of Alternative Means of Compliance needs to be duly justified by the competent authority and shall meet the requirements established by the EASA Basic Regulation and the provisions included in the associated Implementing Rules.

The Agency fully agrees with the need for the future maintenance of the ATCO Initial Training requirements, as transposed into EU legislation. It is obvious that the Agency itself cannot possess and maintain such detailed knowledge and experience in ATCO training. Therefore, it is foreseen to establish a rulemaking task in which the industry has 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. The Agency is committed to ensure that such future activity is undertaken in the most efficient way while only the industry itself can decide how it wishes to organise its resources in this regard.

comment **105**comment by: *Maastricht UAC Training Organisation*

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
Expl. Note 108 CCC transposition (see RIA Chapter 9) and Recital 12	The option chosen i.e. transposition gives too much influence to one body to unilaterally change the CCC requirements. An additional risk is that the flexibility to update the CCC is compromised. Transposition goes against	Option 2(b) (dynamic referencing) is the preferred option. However, if the transposition option is taken then a process should be established by EASA for regularly updating the training objectives. This should be done by experts representing ANSPs,

	<p>harmonisation as the objectives will be in AMC and therefore there is the possibility for alternate means of compliance to be approved and used. Where EASA states that there may be confusion as to the latest document to be used, we do not agree as: 1. the latest document may always be accessed through Eurocontrol and 2. <u>alternate</u> means of compliance will lead to more than one 'valid' document which may be used. Updating the Eurocontrol specification is done through a task force of stakeholder experts and can fully reflect the changing training environment whereas transposition means that updating the content will have to follow the EASA regulation update process.</p>	<p>training organisations and competent authorities. Additionally, only subject titles should be at IR level. The subject objectives, topics and sub topics should be listed in the AMC in order to have a single, easy to use document; thereby enabling it to be modified when necessary.</p>
response	<p>Noted</p> <p>The rationale for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency has decided to introduce a change to the proposed methodology for the transposition, as follows:</p> <ul style="list-style-type: none"> • Subjects, topics and subtopics are transposed into Implementing Rules; • Subject objectives and training objectives are transposed into AMC. The AMC now include also the subject, topics and subtopics referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach, all the Common Core Content is available in a single source document in order to facilitate its reading, as requested by several stakeholders. <p>It is recalled that the approval of Alternative Means of Compliance needs to be duly justified by the competent authority and shall meet the requirements established by the EASA Basic Regulation and the provisions included in the</p>	

associated Implementing Rules.

The Agency fully agrees with the need for the future maintenance of the ATCO Initial Training requirements, as transposed into EU legislation. It is obvious that the Agency itself cannot possess and maintain such detailed knowledge and experience in ATCO training. Therefore, it is foreseen to establish a rulemaking task in which the industry has 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. The Agency is committed to ensure that such future activity is undertaken in the most efficient way while only the industry itself can decide how it wishes to organise its resources in this regard.

comment 298

comment by: DSAC - French NSA

Justification

- To ensure that evolutions in the different domains addressed by the ATCO Common Core Content (CCC) will be reflected in due time in the objectives for the initial training, a dynamic referencing to the Eurocontrol document would be the better way to ensure a reactive update of these objectives.
- Furthermore, the updating process should involve experts on the ATCO Common Core Content within the ANSPs, the training organisations and the competent authorities.

response *Noted*

The rationale for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account 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;
- Subject objectives and training objectives are transposed into AMC. The AMC now include also the subject, topics and subtopics referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach, all the Common Core Content is available in a single source document in order to facilitate its reading, as requested by several stakeholders.

The Agency fully agrees with the need for the future maintenance of the ATCO Initial Training requirements, as transposed into EU legislation. It is obvious that the Agency itself cannot possess and maintain such detailed knowledge and experience in ATCO training. Therefore, it is foreseen to establish a rulemaking task in which the industry has 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. The Agency is committed to ensure that such future activity is undertaken in the most efficient way while only the industry itself can decide how it wishes to organise its resources in this regard.

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex I – Part-ATCO – Requirements for the licensing of air traffic
controllers – Subpart D – Air traffic controller training – Section 2 Initial
training requirements (paragraph 117-119)**

p. 31-32

comment

148

comment by: UK CAA

Page No: 31

Paragraph No: 117

Comment: In the last paragraph the choice of wording 'adequate behaviour' has connotations of 'fair', 'middling', 'OK', which is insufficient for this safety environment.

Justification: 'Adequate' does not indicate a sufficient level of behaviour.

Proposed Text: Change wording to 'appropriate behaviour'

response

Accepted

The text is modified accordingly.

comment

299

comment by: DSAC - French NSA

Paragraph

ATCO.D.020 (b)

Alternative proposal

(b) A pass in theoretical examination(s) shall be awarded to an applicant achieving a minimum of ~~75 %~~ threshold of the marks allocated to that examination.

Justification

- The requirement for the minimum threshold of the marks should be defined in correlation with the type of examinations.

- Defining a percentage in the regulation without actual argumentation on the relevance of the number given could lead to difficulties when the regulation is in force without means to change the figure easily.

response

Not accepted

The Agency is of the opinion that a minimum pass mark is to be established in order to ensure that a successful theoretical examination testifies a reasonably high level of knowledge and understanding. The value of 75 % is a compromise agreed among the Agency and the experts consulted on this subject throughout the rule drafting process and the review of the NPA comments.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart D — Air traffic controller training — Section 3 Unit
training requirements**

p. 33

comment

224

comment by: EUROCONTROL

Paragraph 123: Revise the text to avoid different meaning/interpretation of Conversion training. Remove the word conversion on paragraph two.

response

Accepted

comment

300

comment by: DSAC - French NSA

Paragraph

ATCO.D.045 (a) (b)

ATCO.OR.C.001 (e)

AMC ATCO.OR.C.001 (e)

Alternative proposal

(a) Unit training shall consist of ~~approved~~ training course(s) for each unit endorsement established at the ATC unit as defined in the approved unit training plan.

(b) The unit endorsement ~~course(s)~~ plan(s) shall be developed and provided by approved training organisations and approved by the competent authority according to ~~ATCO.D.060~~ ATCO.D.055.

Justification

As in the current regulation, the competent authority shall approve the unit training plan and not only the unit training course. The approval of the each unit training course will be done through the approval of the unit training plan.

- In the current regulation, the competent authority approves unit training plans and not unit training courses.

- As is the case within the current regulation, the approval of unit training plan taking into account the unit training course(s) will lead to an approval of all the contained unit training courses.

- The approval only of the unit training courses will lead to a much less consistent monitoring of the unit training process, compared to the monitoring of the unit competence scheme.

- The monitoring of some processes, for example the assessment within the unit training plan, would be more relevant through the approval of the unit training plan than through the monitoring of the training organisation.

response *Partially accepted*

The concept of 'training course' is introduced to fulfil the essential requirement of paragraph 4(f)(ii) of Annex Vb to the EASA Basic Regulation. The unit training plan, which includes all unit endorsements courses, is still required as a tool to organise the unit training and will limit the extent of the change required for the implementation of the aforementioned essential requirement.

The approval of the unit training plan and training courses is part of the tasks of the competent authority, as specified in ATCO.AR.A.010(a)(6). The text of ATCO.D.055(a) is modified to make this more explicit.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex I — Part-ATCO — Requirements for the licensing of air traffic
controllers — Subpart D — Air traffic controller training — Section 4
Continuation training requirements (paragraph 133)**

p. 36

comment 225

comment by: EUROCONTROL

The provision puts the onus of ATCO.D.090 on the air navigation service provider, the text in this Note 133 on the training organisation. The Note also lacks explanation as to the definition of "where appropriate" in AMC, and not in the IR.

response *Noted*

Following the consideration of comments, the Agency is now proposing to place, in the newly introduced provision ATCO.B.045, language training after the language proficiency requirements 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, does not 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 and 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.

**A. Explanatory Note — V. Detailed explanation of the proposed provisions —
Annex II — Part-ATCO-AR — Requirements for competent authorities —
Subpart B — Management**

p. 37-38

comment

34

comment by: Direction de la sécurité de l'aviation civile (DSAC)

The Competent Authority shall be allowed the flexibility to organize itself in the most appropriate way to fulfil its task. The following specifications in the IRs ATCO.AR.B.001 and ATCO .AR.B.005 are too prescriptive and may result in unnecessary administrative tasks or organization/staff requirements:

- ATCO.AR.B.001 (a)(2) last sentence : *"A system shall be in place to plan the availability of personnel, in order to ensure the proper completion of all tasks;"* is a means rather than an objective and its purpose is entirely covered by ATCO.AR.B.001 (a) (1) and the first part of ATCO.AR.B.001 (a) (2);

- ATCO.AR.B.001 (a) (4) first sentence : *"a function to monitor...."* is to prescriptive ;

- ATCO.AR.B.001 (a) (4) first sentence : *"..., including the establishment of an internal audit process and a safety risk management process."* Is a specific means rather than an objective;

- ATCO.AR.B.001 (a) (4) last sentence : *"Compliance monitoring shall include a feedback system of audit findings to the senior management of the competent authority to ensure implementation of corrective actions as necessary; and"* should be rewritten as an AMC and not as an Implementing rule.

- ATCO.AR.B.001 (a) (5) : *"a person or group of persons, ultimately responsible to the senior management of the competent authority for the compliance monitoring function."*

- ATCO.AR.B.001 (b) details the allocation of tasks and responsibilities among personnel and specifies how the competent Authority is organized. It could be a means, specified in GM or AMC to satisfy the requirement ATCO.AR.B.001 (a)(1), but not an IR;

- ATCO.AR.B.005 (a) : *"Tasks related to the certification or oversight of persons or organisations subject to Regulation (EC) n°213/2008 and its Implementing rules ...;"* It should be clarified that the certification concerns the "initial"

- ATCO.AR.B.005 (b) is just a means, the purpose of which is entirely covered by ATCO.AR.B.005 (a) specifies that the tasks that can be allocated to qualified entities concern *" the certification or oversight of persons and organisations...."* However, GM1 ATCO .AR.B.005 specifies only guidance for *"the initial certification and oversight of training organisations ...with the exclusion of the issuing of certificates"*. There is a discrepancy between the IR and the guidance that should be addressed.

ATCO.AR.B.005 (a) (1). Moreover, it stems from the unnecessary requirement for an internal audit process and a safety risk management process; it should be deleted.

It is consequently proposed to modify ATCO.AR.B.001 and ATCO.AR.B.005 as follows:

ATCO.AR.B.001"(a) The Competent Authority shall establish and maintain a management system, including as a minimum:

- (1) documented policies and procedures to describe its organisation, means and methods to achieve compliance with Regulation (EC) No 216/2008 and its Implementing Rules. The procedures shall be kept up-to-date and serve as the basic working documents within that

Competent Authority for all related tasks;

- (2) a sufficient number of personnel, including aerodrome inspectors, to perform its tasks and discharge its responsibilities. Such personnel shall be qualified to perform their allocated tasks and have the necessary knowledge, experience, initial, on-the-job and

recurrent training to ensure continuing competence. ~~A system shall be in place to plan the availability of personnel, in order to ensure the proper completion of~~

~~all related tasks;~~

(3) adequate facilities and office accommodation to perform the allocated tasks;
 (4) ~~a function~~ a process to monitor the compliance of the management system with the relevant requirements and the adequacy of the procedures, including the establishment of an internal audit process and a safety risk management process. Compliance monitoring shall include a feedback system of audit findings to the senior management of the competent authority to ensure implementation of corrective actions as necessary; and

ATCO.AR.B.001 (a) (5) : ~~"a person or group of persons, ultimately responsible to the senior management of the competent authority for the compliance monitoring function.~~

~~(b) The Competent Authority shall, for each field of activity included in the management system, appoint one or more persons with the overall responsibility for the management of the relevant task(s).~~

I The Competent Authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities concerned.

ATCO.AR.B.005 Allocation of tasks to qualified entities

(a) Tasks related to the initial certification or oversight of persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules shall be allocated only to qualified entities. When allocating tasks, the competent authority shall ensure that it has:

(1) a system in place to initially and continuously assess that the qualified entity complies with Annex V to Regulation (EC) No 216/2008.

This system and the results of the assessments shall be documented;

(2) established a documented agreement with the qualified entity, approved by both parties at the appropriate management level, which clearly defines:

(i) the tasks to be performed;

(ii) the declarations, reports and records to be provided;

(iii) the technical conditions to be met in performing such tasks;

(iv) the related liability coverage; and

(v) the protection given to information acquired in carrying out such tasks.

~~(b) The Competent Authority shall ensure that the internal audit process and safety risk~~

~~management process required by ATCO.AR.B.001(a)(4) covers all certification or continuing oversight tasks performed on its behalf.~~

In addition most of the AMCs and GM associated to these two Irs, such as the AMC1

ATCO.AR.B.001 (a)(4), § (b), are too detailed and overprescriptive and should be reviewed to alleviate

the unnecessary constraints on the organization, processes and staffing of the competent authority. In particular, compliance monitoring is defined as a *process* and should therefore not necessarily be the responsibility of a person or group of persons acting independently of other managers.

It is therefore suggested to modify AMC1 ADR.AR.B.005(a)(4) as follows :

AMC1 ATCO.AR.B.005(a)(4) Management system

COMPLIANCE MONITORING MECHANISM

The mechanism to monitor compliance of the management system with the relevant

requirements, and the adequacy of the procedures should:

(a) include a feedback system of audit findings to ensure implementation of corrective actions as necessary; and

(b) be the responsibility of a person, or group of persons who should be responsible to the senior management of the Competent Authority and who act independently of other managers within the organisation, and with direct access to the senior management of the Competent Authority and to appropriate

	<p>management for safety matters.</p> <p>GM1 ATCO.AR.B.005 Allocation of tasks to qualified entities</p> <p>CERTIFICATION TASKS</p> <p>The tasks that may be performed by a qualified entity on behalf of the competent authority include those related to the initial certification and oversight of persons or training organisations as defined in this Regulation, with the exclusion of :</p> <ol style="list-style-type: none"> 1) the issue, suspension and revocation of licences, ratings, endorsements and of medical certificates; 2) the issue of temporary OJTI authorisations according to ATCO.C.025; 2) the revalidation, renewal of endorsements and the revalidation, renewal and limitation of medical certificates; 3) the issue, revalidation, renewal, suspension, revocation, limitation and change of aero-medical examiner certificates; 4) the issue, renewal, suspension, revocation and limitation of training organisation certificates and of the certificates of aero-medical centres;
response	<p><i>Partially accepted</i></p> <p>With a view to achieving a realistic implementation of the safety management procedures through the SSP as required by ICAO, there is a growing support within the ATM/ANS community about 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.</p> <p>The competent authorities in other aviation domains (e.g. aircrew, air operations) have already been required to upgrade their systems and procedures to the new SSP-based authority requirements introduced with Commission Regulation (EU) No 290/2012 and Commission Regulation (EU) No 965/2012. For the aerodrome authorities, these rules are already adopted. 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 fill in the requirements for the air traffic controllers licensing and certification authority along the same lines to achieve full alignment.</p> <p>The Agency takes note of the proposals on ATCO.AR.B.005(a) and the provision is revised in order to bring more clarity that the certification concerns the 'initial'.</p> <p>The comment on AMC1 ADR.AR.B.005(a)(4) is not within the scope of NPA 2012-18; furthermore, AMC related to compliance monitoring mechanism is proposed with the subject NPA.</p> <p>The Agency takes note of the proposal on GM1 ATCO.AR.B.005 and the provision is amended.</p>
comment	<p>43 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p>Comment</p> <p>The concept of "total system approach" is mentioned several times in the draft</p>

	<p>regulation ATCO. Nevertheless the outline of the system in question (total system approach) is never defined, which is a problem. France would like the Agency to define the observed system.</p>
response	<p><i>Noted</i></p> <p>The total system approach is based on the fact that the aviation system components — products, operators, crews, and aerodromes, ATM, ANS, on the ground or in the air — are part of a single network. Uniformity is achieved through the common implementation of the rules adopted by the Commission. The 'total system approach' eliminates the risk of safety gaps or overlaps, and seeks to avoid conflicting requirements and unclear responsibilities. Regulations are interpreted and applied in a standardised manner and best practices are provided. At the same time, uniformity means to protect citizens and to provide a level playing field for the functioning of the internal market. Furthermore, it will allow for the realisation of increased interoperability of products and services. The 'total system approach' also streamlines the certification processes and reduces the burden on regulated persons and organisations. The above description of the concept can be found at http://www.easa.europa.eu/atm/total-system-approach.html.</p>

comment	<p>301</p> <p>comment by: DSAC - French NSA</p> <p><u>Paragraph</u> ATCO.AR.B.001 <u>Comment</u> The administrative charge should be kept to a minimum, and at least should not be increased for the competent authorities, in a context where financial and human resources are constrained. The interpretation of the requirements for a management system should not mean further administrative tasks compared with today's tasks as the management system is not a requirement added by the basic regulation compared with the single European Sky regulations.</p>
response	<p><i>Noted</i></p> <p>The Agency takes note of the comment. The specific objective of the introduction of the management system for competent authorities is to facilitate the implementation of the SSP taking duly into account the critical elements of the safety oversight system as required by ICAO.</p>

comment	<p>302</p> <p>comment by: DSAC - French NSA</p> <p><u>Paragraph</u> ATCO.AR.B.010 (a) <u>Alternative proposal</u></p>
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	<p>(a) The competent authority shall have a system process in place to identify changes that affect its capability to perform its tasks and discharge its responsibilities as defined in this Regulation in order to take action as appropriate to ensure the management system remains adequate and effective.</p> <p><u>Justification</u></p> <p>The administrative charge should be kept to a minimum in a context where financial and human resources are constrained.</p> <p>- A process will be enough, compared to a full system to ensure the identification of changes that affect the capability of the competent authority to perform its tasks.</p>
response	<p><i>Not accepted</i></p> <p>It is up to the competent authority to decide on the method to be used for the identification of changes in order to ensure that its management system remains adequate and effective.</p> <p>Furthermore, the commented text has already been discussed at various comitology fora and it is established rule today in other aviation domains. In this respect the Agency has been requested at different occasions to align as much as possible the requirements related to competent authorities among the different aviation domains due to the fact that the majority of the competent authorities responsible for ATCO licencing are authorities for other aviation domains as well. The proposal is not accepted.</p>

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex II – Part-ATCO-AR – Requirements for competent authorities –
Subpart D – Issue, revalidation, renewal, suspension and revocation of
licences, ratings and endorsements**

p. 39

comment	<p>303</p> <p>comment by: DSAC - French NSA</p> <p><u>Paragraph</u> ATCO.AR.D.010 (c) (1) <u>Alternative proposal</u> ATCO.AR.D.010 (c) (1) exercising the privileges of the licence when the licence holder no longer complies with the applicable requirements of this Regulation <u>intentionally and in case of fraudulent use</u> ; <u>Justification</u> When the suspension or revocation process is used in case of non compliance with the regulation, the scope of the non compliance should be reduced to a fully intended non compliance or in case of abuse. - Within the current regulation, the French NSA DSAC has defined a process for the suspension and revocation of the licence. This process requires an investigation by a commission set by the NSA to ensure a balanced decision for the controller and the air navigation service provider. - The process of suspension and revocation would lead to more administrative work if the non compliance isn't intentional for the controller. For example,</p>
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	<p>through the administrative process, the ANSP forgets to provide in due time required documents, even if these documents are available at the time. In this case, the revocation and suspension of the licence seems a heavy punishment for the controller and the ANSP compared with the cause of the non compliance.</p>
response	<p><i>Not accepted</i></p> <p>The objective of NPA 2012-18 is to propose a common set of rules on licencing and medical certification of air traffic controllers and it doesn't aim to regulate individual cases and exemptions for which cases Article 14 of Regulation (EC) No 216/2008 provides the flexibility.</p> <p>Moreover, the commented provision is an essential part of an effective safety oversight system in line with the ICAO critical elements and implementing Article 8c(10)(b).</p>

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex II – Part-ATCO-AR – Requirements for competent authorities –
Subpart E – Certification procedure for air traffic controller training
organisations**

p. 39-40

comment	<p>304</p> <p>comment by: DSAC - French NSA</p>
	<p><u>Paragraph</u> ATCO.AR.E.005 (c) <u>Alternative proposal</u> (c) For changes not requiring prior approval, the competent authority shall approve a procedure developed by <u>define with</u> the training organisation in accordance with ATCO.OR.B.020 defining the scope of such changes and its management and notification mechanism. In the continuing oversight process the competent authority shall assess the information provided in the notification sent to verify compliance with the applicable requirements.</p> <p><u>Justification</u> The monitoring of changes to the organisation should not bring further administrative burden. To avoid further administrative burden and keep it at minimum level, the process of changes on both side, competent Authority and training organisation, should be kept as light as possible and should not include rigid processes. It should aim at a more flexible working methods between competent Authority and training organisations.</p>
response	<p><i>Not accepted</i></p> <p>The Agency fully agrees with the comment promoting the reduction of the administrative burden for the authority and the organisation as well. Therefore, in order to reduce the daily work of the competent authority when dealing with</p>

changes as part of the initial certification process a procedure is required to be developed by the training organisation and to be approved when the organisation decides to implement changes not requiring prior approval. But in order to do so a controlled process should be established. The procedure for introducing changes not requiring approval should define the scope of such changes, their management and notification mechanism. As the organisation knows best its systems, processes and arrangements, it is expected from the training organisation to propose the details and of course the competent authority remains responsible for its approval. On the other hand, in order to ensure oversight of the training organisations, the competent authority should be informed on any changes regardless if they require prior approval or not. Therefore, once the mutual 'trust' is established via the controlled process, then in case of a notification on such change it does not have to be assessed immediately by the competent authority, but within the continuous oversight process.

This process strikes a balance between a reasonable amount of oversight by the competent authority on the one hand, and a reasonable amount of 'freedom to act' by the training organisation on the other hand.

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex II – Part-ATCO-AR – Requirements for competent authorities –
Subpart E – Certification procedure for air traffic controller training
organisations (paragraph 157-160)**

p. 40-41

comment

305

comment by: DSAC - French NSA

Paragraph
ATCO.AR.E.010

Justification

- There is no definition of what is the "quality of the training", which can be very subjective.
- If some requirements of the regulation are not met, the level of degradation of the training provided can be measured as significant or not.

response

Accepted

The provision is revised and 'the quality of' has been removed by taking the comment into consideration.

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex II – Part-ATCO-AR – Requirements for competent authorities –
Subpart F – Specific requirements relating to aero-medical certification**

p. 41-43

comment	94	comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i>
	<p>Comment</p> <p>It is not relevant to refer to the Aircrew regulation where medical certification is concerned for the following reasons :</p> <p>Firstly, in France both medical organisations for pilots and ATCO's are strictly separated and different.</p> <p>Secondly, Air traffic controllers haven't had the possibility to comment the NPA of the Aircrew regulation as the abovementioned NPA wasn't intended to apply to them.</p> <p>Thirdly, DGAC France considers there is a need to have a clear vision of the applicable rules.</p> <p>As a consequence, there is a need to reintegrate specific requirements for Aero-medical centers and aer-medical certification in the NPA ATCO.</p> <p>When, we will have this clear vision, we will make supplementary comments, particularly concerning the referral procedure to the licensing authority and the review procedure of borderline and contentious cases.</p>	
response	<p><i>Not accepted</i></p> <p>There are also Member States where one Medical Department deals with the medical certification of ATCOs and pilots (and cabin crew). The administrative system has already been set up and medical certification of ATCOs can be integrated.</p> <p>The authority requirements for aircrew are presently under revision and will be published for comments in early 2014 so that any comments from the ATCO side can be considered before this Regulation enters into force.</p> <p>Part-ARA has been published by the EASA Technical Publications and a clear vision of the rules should be provided by this publication.</p> <p>An integration of the rules (copy-paste from the Aircrew Regulation) will lead to conflicting rules because any revision and update will be made to only one 'Book' at a time while the other one remains unchanged, and the aim to have the same procedures for medical certification will not be achieved.</p>	

A. Explanatory Note — V. Detailed explanation of the proposed provisions — Annex III — Part ATCO.OR — Requirements for air traffic controller training organisations and aero-medical centres — Subpart A — General requirements

p. 43-44

comment	226	comment by: <i>EUROCONTROL</i>
	<p>Paragraph 174: The current text sounds like the properly qualified instructors increase the risk. It would be more appropriate to also say that the proper qualification of instructors is a mitigation to the higher risk during unit training . The same meaning and text also appear in other sections of the training text.</p>	

response *Accepted*

A. Explanatory Note – V. Detailed explanation of the proposed provisions – Annex III – Part ATCO.OR – Requirements for air traffic controller training organisations and aero-medical centres – Subpart B – General requirements for air traffic controller training organisations p. 44-45

comment 227 comment by: *EUROCONTROL*

Paragraph 183: Support the proposal for the validity of a training organisation certificate remains unlimited subject to its continued compliance with the applicable requirements.

response *Noted*

comment 306 comment by: *DSAC - French NSA*

Paragraph

ATCO.OR.B.010 (d) (5)

ATCO.OR.C.001 (e)

AMC ATCO.OR.C.001 (e)

Alternative proposal

ATCO.OR.B.010 (d) (5)

(5) a list of training courses plan(s) and/or service(s) provided;

Justification

The certificate of the training organisation shall refer to the unit training plan provided with all contained training courses.

- In the current regulation, the competent authority approves unit training plans and not unit training courses and the certificate issued for training organisations is based also on the unit training plans defined by the training organisation.

- The reduction of the scope of activities of the training organisations monitored by the competent authority to unit training courses, leaving all other aspects of the unit training plan (structure of the unit training, processes, training methods, appeal process, abnormal and emergency situations, assessments...) will lessen the monitoring of the training by the competent authority.

- The link between unit training plans and unit training courses within the monitoring of the training organisations is not clear in the NPA.

response *Noted*

The comment does not relate to the Explanatory Note and is therefore noted, please refer to the response provided to comment no 484 under B.I.

comment	<p>307</p> <p>comment by: DSAC - French NSA</p> <p><u>Paragraph</u> ATCO.OR.B.010 (d) (2) <u>Alternative proposal</u> (3) the <u>functions within the training organisation names, telephone, fax numbers and e-mail addresses and relevant contact data</u> of: (i) the accountable manager; (ii) the head of the training organisation, if different from (i) above; (iii) the person(s) nominated by the training organisation as the focal point(s) for communication with the competent authority; <u>Comment</u> Avoid being too prescriptive with administrative information required.</p>
response	<p>Accepted</p>
comment	<p>308</p> <p>comment by: DSAC - French NSA</p> <p><u>Paragraph</u> ATCO.OR.B.020 (e) <u>Alternative proposal</u> (e) All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by between the competent authority <u>and the training organisation</u> in accordance with ATCO.AR.E.005. <u>Justification</u> The monitoring of changes to the organisation should not bring further administrative burden. To avoid further administrative burden and keep it at minimum level, the process of changes on both side, competent Authority and training organisation, should be kept as light as possible and should not include rigid processes. It should aim at a more flexible working methods between competent Authority and training organisations.</p>
response	<p>Noted</p> <p>The comment does not relate to the Explanatory Note and is therefore noted, please refer to the response provided to comment no 497 under B.I.</p>
comment	<p>309</p> <p>comment by: DSAC - French NSA</p> <p><u>Paragraph</u> ATCO.OR.B.025 <u>Alternative proposal</u> Keep the requirement in the NPA. <u>Justification</u> The requirements for the continued validity are fully satisfying as written in the</p>

	regulation. - It will lessen the administrative burden of the revalidation of the certificate if no change has occurred in the training organisations.
response	<i>Noted</i>

A. Explanatory Note — V. Detailed explanation of the proposed provisions — Annex III — Part ATCO.OR — Requirements for air traffic controller training organisations and aero-medical centres — Subpart C — Management of air traffic controller training organisations	p. 45-47
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comment	26	comment by: <i>Max Madden</i>
	I believe the educational requirements should remain the same	
response	<i>Noted</i>	

comment	55	comment by: <i>skyguide Corporate Regulation Management</i>
	Management systems of training organisations ...However, within the present NPA, 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. Reason for comment: We welcome the idea of further guidance on this subject. However, only with the input of experts in the form of a RMG representing all stakeholders and not just one expert from a single organisation. There is otherwise a risk of not all aspects being taken into account.	
response	<i>Noted</i>	

comment	228	comment by: <i>EUROCONTROL</i>
	Paragraph 188 (continued): It is positive that the management system of an ANSP could be considered as an AMC against the provision for training organisations that are also ATC units.	
response	<i>Noted</i>	

comment	230	comment by: EUROCONTROL
	Paragraph 191: editorial - typing error the reference should be to 5 (d) of Annex Vb	
response	Accepted	
comment	231	comment by: EUROCONTROL
	Paragraph 192: editorial - typing error the reference should be to 5 (d) of Annex Vb In addition, the reference should be to Appendix 2 of ICAO Annex 1 (Ed. 11)	
response	Accepted	
comment	310	comment by: DSAC - French NSA
	<p><u>Paragraph</u> ATCO.OR.B.010 (d) (5) ATCO.OR.C.001 (e) AMC ATCO.OR.C.001 (e)</p> <p><u>Alternative proposal</u> ATCO.OR.B.010 (d) (5) (5) a list of training courses plan(s) and/or service(s) provided;</p> <p><u>Justification</u> The certificate of the training organisation shall refer to the unit training plan provided with all contained training courses. - In the current regulation, the competent authority approves unit training plans and not unit training courses and the certificate issued for training organisations is based also on the unit training plans defined by the training organisation. - The reduction of the scope of activities of the training organisations monitored by the competent authority to unit training courses, leaving all other aspects of the unit training plan (structure of the unit training, processes, training methods, appeal process, abnormal and emergency situations, assessments...) will lessen the monitoring of the training by the competent authority. - The link between unit training plans and unit training courses within the monitoring of the training organisations is not clear in the NPA.</p>	
response	Noted	
	The comment does not relate to the Explanatory Note and is therefore noted, please refer to the response provided to comment no 484 under B.I.	

A. Explanatory Note – V. Detailed explanation of the proposed provisions – Annex III – Part ATCO.OR – Requirements for air traffic controller training organisations and aero-medical centres – Subpart D – Requirements for training courses and training plans

p. 47

comment 232

comment by: EUROCONTROL

Paragraph 193: Reference should be to Appendix 2 of ICAO Annex 1. However, point 3 of this Appendix 2 refers solely to pilot training and is not relevant to ATC. The note should be reworded.

response Accepted

A. Explanatory Note – V. Detailed explanation of the proposed provisions – Annex III – Part ATCO.OR – Requirements for air traffic controller training organisations and aero-medical centres – Subpart E – Requirements for aero-medical centres

p. 47

comment 66

comment by: Direction de la sécurité de l'aviation civile (DSAC)

194.

Comment

It is not relevant to refer to the Aircrew regulation where medical certification is concerned for the following reasons :

Firstly, in France both medical organisations for pilots and ATCO's are strictly separated and different.

Secondly, Air traffic controllers haven't had the possibility to comment the NPA of the Aircrew regulation as the abovementioned NPA wasn't intended to apply to them.

Thirdly, DGAC France considers there is a need to have a clear vision of the applicable rules.

As a consequence, there is a need to reintegrate specific requirements for Aero-medical centers and aer-medical certification in the NPA ATCO.

When, we will have this clear vision, we will make supplementary comments, particularly concerning the referral procedure to the licensing authority and the review procedure of borderline and contentious cases.

response Not accepted

There are also Member States where one Medical Department deals with the medical certification of ATCOs and pilots (and cabin crew). The administrative system has already been set up and medical certification of ATCOs can be integrated.

The authority requirements for aircrew are presently under revision and will be published for comments in early 2014 so that any comments from the ATCO

side can be considered before this Regulation enters into force.
 Part-ARA has been published by the EASA Technical Publications and a clear vision of the rules should be provided by this publication.
 An integration of the rules (copy-paste from the Aircrew Regulation) will lead to conflicting rules because any revision and update will be made to only one 'Book' at a time while the other one remains unchanged, and the aim to have the same procedures for medical certification will not be achieved.

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
 Annex IV – Part-ATCO.MED – Medical requirements for air traffic
 controllers – Main differences compared to the EUROCONTROL Guidelines
 and Synergies with medical certification of pilots**

p. 48-49

comment	<p>67 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p>203 Comment "Licensing authority" DGAC France considers that the introduction of the new term "Licensing authority" concurrently with the existing term Competent Authority brings confusion, particularly as the licensing authority may issue medical certificates. Furthermore, in France it is legally not allowed for an administrative authority such as the licensing authority to issue medical certificates Proposal change licencing authority by competent authority throughout the text</p>
response	<p><i>Not accepted</i></p> <p>The term 'licensing authority' is necessary to ensure clarity for the AME where to send the documentation resulting from a medical examination and assessment, and to which authority an ATCO will be referred in cases where it is required in Subpart B of Part-ATCO.MED. The need to clarify this stems from the ATCOs' right to undergo their medical examination and assessment in any Member State and the competent authority of the AME is not necessarily the authority that issued the ATCO's licence. A definition of 'licensing authority' is in paragraph ATCO.MED.A.010 to ensure that the term is well understood.</p>

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
 Annex IV – Part-ATCO.MED – Medical requirements for air traffic
 controllers – Subpart A – General requirements**

p. 49-50

comment	<p>63 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p>
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response	216 Comment The fact that ATCO may choose an AME or AeMC for the medical assessment would have an effect on DSNA medical organisation.
	<i>Noted</i>

comment	234	comment by: EUROCONTROL
Paragraph 211: ' <i>principle</i> ' is incorrect. It should read ' <i>principal</i> '.		
response	<i>Accepted</i>	

comment	235	comment by: EUROCONTROL
	<p>Paragraph 218: The 2nd paragraph is false, as ICAO Annex 1 reads 1.2.5.2.4 When the holders of private pilot licences — aeroplane, airship, helicopter and powered-lift, free balloon pilot licences, glider pilot licences and air traffic controller licences have passed their 40th birthday, the period of validity specified in 1.2.5.2 shall be reduced to 24 months.</p> <p>1.2.5.2.5 Recommendation.— When the holders of private pilot licences — aeroplane, airship, helicopter and powered-lift, free balloon pilot licences, glider pilot licences and air traffic controller licences have passed their 50th birthday, the period of validity specified in 1.2.5.2 should be further reduced to 12 months.</p>	
response	<p><i>Accepted</i></p> <p>The Agency acknowledges that the paragraph is not clear. It was to describe the 'overcompliance' with the ICAO provisions where ICAO 1.2.5.2 sets the validity period of a medical certificate for ATCOs below age 40 to 48 months while the proposed validity period in this NPA is 24 months. The validity period in ICAO after age 40 is reduced to 24 months, while in this NPA it is reduced to 12 months.</p>	

A. Explanatory Note — V. Detailed explanation of the proposed provisions — Annex IV — Part-ATCO.MED — Medical requirements for air traffic controllers — Subpart B — Requirements for air traffic controller medical certificates

p. 50-51

comment	59	comment by: Direction de la sécurité de l'aviation civile (DSAC)
<u>Diabetes mellitus</u>		

224.

French medical experts consider that insulin-treated diabetic ATC must not be assessed as fit, either type 1 or type 2 diabetic patients, and so they do not agree with the possibility of a change in **ATCO.MED.B.025 Metabolic and endocrine system** and **AMC1 ATCO.MED.B.025 Metabolic and endocrine system** concerning diabetes mellitus (DM).

French medical experts' arguments are those which have been previously presented to explain the French opinion about the same topic for the professional aircrew population in the last ESAM's Annual Scientific Meeting in Atlanta on May 16, 2012. The main problem is the risk of hypoglycaemic episodes induced by insulin therapy in the working environment.

The **Diabetes protocol** presented in **Appendix D** at the end of the **Explanatory Note** cannot receive french medical experts' agreement for the following reasons

1/ The HbA1C target recommended in the most recent studies is under 7.5%, either in type 1 DM (6-6.5%) or type 2 DM (7.1-7.8%). This target was recalled in the last *Standards for Medical Care in Diabetes – 2013*. It is justified to minimize the long-term risk of micro and macrovascular complications [1], and so it is not ethically possible for the French aeromedical experts to decide a higher target for working considerations. Moreover, the correlation between the HbA1C level and the risk of hypoglycaemia remains a non absolute and retrospective argument. A close comment is the proposed target for blood pressure (< 140/90 mmHg) which is also higher than in the current recommendations (< 130-140/80 mmHg) to reduce the risk of cardiovascular events [2].

[1] Diabetes Care 2013; 36 (Suppl 1): S18-21

[2] Diabetes Care 2013; 36 (Suppl 1): S29-30

2/ French medical experts would like to recall that all well-controlled insulin-dependent diabetic patients are suffering from hypoglycaemias; not only severe episodes have to be considered (incidence from 0.15 to 0.73 episode/patient/year in a meta-analysis in type 2 DM [3]), but also mild episodes which are much more frequent (in 30% of type 2 diabetic patients during 7 months [4]). These episodes depend in particular on the hypoglycaemia awareness threshold, which is impaired in 10% (type 2 DM) and 25% (type 1 DM) [5]. This risk cannot significantly be reduced by the use of new insulin forms such as spray, or by glycaemia awareness training. They authors should add that the working conditions of ATC can favour hypoglycaemic episodes (meal times, stress, nocturnal duties...)

[3] Akram K et al. J Diabetes complications 2006; 20(6): 402-8

[4] Miller CD et al. Arch Intern Med 2001; 161(13): 1653-9

[5] Berne et al. Diabetes and driving in Europe; Report of the WG on Diabetes and Driving 2006

3/ The role of hypoglycaemia episodes has been emphasized in many studies carried out in car driving among diabetics [6-8], and so it is recognized that the deterioration of cognitive performance begins very early, is usually not noticed and criticized by the patient, and a waiting-period of 30-45 minutes is necessary for a complete recovery [9,10].

[6] Veneman TF et al. Neth J Med 1996; 48(1): 24-8

[7] Cox D et al. Int J Clin Pract 2001; 123(Suppl): 38-42

[8] Graveling AJ et al. Diabet Med 2004; 21(9): 1014-9

[9] Cox DJ et al. Diabetes Care 2000; 23(2): 163-70

[10] Evans ML et al. Diabetes Care 2000; 23(7): 893-97

4/ French medical experts would like to highlight the practical difficulties to apply such a protocol with complete objectivity:

- Which ATC will declare mild and/or severe hypoglycaemic episodes considering that these events can easily be concealed? The same problem

exists for the "reporting of symptoms" which is "mandatory" every 6 months...

- How could an aeromedical examiner know the hypoglycaemia awareness threshold of an insulin-dependent diabetic applicant? A very subjective evaluation actually...
- It is difficult to ask an insulin-dependent ATC to make a choice between glycaemic management and air-traffic management in some operational situations. In case of a collision, it will be hard to explain. Thus, the authors guess that insulin-treated ATC will try to avoid these situations by ingesting frequently carbohydrates during their daily working duties...
- What about the acceptability of a working cessation motivated by a blood test?
- What about the medical confidentiality for an insulin-dependent diabetic ATC in the control tower which is going to look like a medical care environment?
- Finally, this NPA-protocol has been written by some authors who agree to admit that there is a real risk with insulin-treatment during the air-traffic control activities. In accordance with the application of such a precise protocol to significantly reduce this risk, the aeromedical examiners should act like policemen and not like medical doctors they are and they would like to remain.

response

Accepted

The final decision on this rule has not yet been taken and no changes will be made at this stage.
A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.

comment

113

comment by: *DFS Deutsche Flugsicherung GmbH*

Answer to 224:
Part B diabetes mellitus.
There may be constellations in which a general rule to assess applicants with Diabetes mellitus with insulin substitution as unfit may be inappropriate. However, if Part MED would deviate from the ICAO standard and the existing Class 3 standard, the conditions under which a diabetes mellitus Type I would result in a fit assessment, shall be clearly detailed on IR level.
For the initial examination the strict exclusion of these cases should be applied to reduce the risk for a later unfitness/ incapacitation.

response

Noted

The final decision on this rule has not yet been taken and no changes will be made at this stage.
A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.

comment

125

comment by: *CAA-NL*

Answer: We are of the opinion that the use of insulin under strict control, a check of the blood sugar value every 2 hours, is possible. Further there should be a restriction not to work alone, in the case of becoming unwell, there would

response	<p>not be a substantial safety risk.</p> <p><i>Noted</i></p> <p>The final decision on this rule has not yet been taken and no changes will be made at this stage. A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.</p>
comment	<p>138 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <div data-bbox="359 683 1444 1198"> <p>Section: Explanatory Note, paragraph 224</p> <p>Relevant Text: Proposal to amend the requirements for insulin-dependent ATCOs.</p> <p>Comment: The issue of insulin treatment and risk of hypoglycemia in an environment with extremely high demands is very complicated. Even a minor decrease in blood sugar levels may deteriorate the cognitive functions, well before the person is able to recognise the deterioration. Regular blood sugar checks in a demanding work situation might distract focus from the demanding tasks. Before an introduction of insulin treatment for ATCOs may be accepted, a thorough scientific study should be required.</p> <p>Proposal: A thorough scientific study should be required before an introduction of insulin treatment for ATCOs may be accepted,</p> </div> <p><i>Accepted</i></p> <p>The final decision on this rule has not yet been taken and no changes will be made at this stage. A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.</p>
comment	<p>149 comment by: <i>UK CAA</i></p> <p>Page No: 51 Paragraph No: 223 Comment: All instances where there are different standards for initial versus renewal examinations/assessments should be deleted. The UK CAA proposes that the following text is removed: "... The reason for this difference is that in some Member States the initial</p>

response

examination is not only to determine the fitness of the applicant for the validity period of the medical certificate, but also to predict, as far as possible, whether the candidate will be able to remain medically fit for the duration of his/her career. ..."

Justification: Safety rules should not be written to suit the career needs of employees or employers. The relevant period for the regulator to consider is for the expected duration of the medical certificate applied for.

Where there are instances where an applicant does not fully meet the applicable standard, the experience of the controller/applicant is then taken into account. It is then the time to assess the effect of the condition on the ability of the applicant to safely exercise licence privileges, e.g ATCO.MED.070(d) and (e) Visual System.

Partially accepted

The overall aim for the future is to remove all differences between the rules for initial and revalidation examinations. However, as this difference has been made for many years and also for good reasons (e.g. take into account that experience can mitigate some medical risks) several specialists hesitated to abolish all of them. In addition, the EUROCONTROL Specifications Medical, where these differences exist and had been agreed in a dedicated rulemaking group, were to be taken as a basis for the NPA.

The different rules for initial and revalidation examination will be reassessed during this CRD reaction phase and some, but not all, will be removed.

comment

150

comment by: UK CAA

Page No: Page 51 and 70, Diabetes mellitus

Paragraph No: 224

Comment: The proposals to allow insulin-treated diabetics to be certificated as air traffic controllers should be permitted. The highlighted text below is not the stated policy. Upper and low limits of acceptability are set in the protocols which include the normal range of blood sugar levels.

*"The mitigation measures that were proposed were regular self-control of blood sugar including blood sugar control before and during shifts, the ability of the applicant of continued hypoglycaemia awareness, the **maintenance of a slightly higher blood sugar level than would be normally desirable**, and regular medical checks for early detection of secondary complications."*

Justification: "Stakeholders are specifically invited to provide their opinion on the medical certification of air traffic controllers who present with insulin-treated diabetes mellitus, including the proposed mitigation measures, and to provide justification elements on the possible safety, social, and economic impact of the proposal, supported by medical evidence." The UK CAA has provided extensive submissions to EASA.

The proposed text for IR and AMC as below, reproduced from the appendix, is acceptable. The

GM is already out of date and will need to be continuously updated so that it is current at the time of publication of the Decision.

ATCO.MED.B.025 Metabolic and endocrine systems

(a) ...

(b) *Diabetes mellitus*

(1) Applicants with diabetes mellitus requiring medication for blood sugar control shall be referred to the licensing authority. A fit assessment may be

	<p>considered in individual asymptomatic cases depending on the medication used and if it can be demonstrated that blood sugar control has been achieved and is stable.</p> <p>(2) Limitation(s), including safe blood sugar testing whilst exercising licence privileges, should be considered by the licensing authority.</p> <p>AMC1 ATCO.MED.B.025 Metabolic and endocrine systems</p> <p>(b) Diabetes mellitus</p> <p>Subject to at least annual specialist assessment, absence of complications likely to interfere with licence privileges, evidence of good control of blood sugar with no significant hypoglycaemic episodes, applicants with diabetes mellitus;</p> <p>(1) not requiring medication may be assessed as fit by the AME or AeMC;</p> <p>(2) requiring the use of antidiabetic medications other than insulin that are not likely to cause hypoglycaemia may be assessed as fit by the licensing authority;</p> <p>(3) requiring the use of potentially hypoglycaemic medication(s), may be assessed as fit by the licensing authority with limitation(s), including documented testing whilst exercising licence privileges.</p>
response	<p><i>Not accepted</i></p> <p>The final decision on this rule has not yet been taken and no changes will be made at this stage.</p> <p>A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.</p>
comment	<p>170 comment by: Federazione ATM-PP</p> <p>Attachment #2</p> <p>Federazione ATM-PP position on paragraph 224 (diabetes mellitus) is deeply reported in the attached file</p>
response	<p><i>Noted</i></p> <p>The final decision on this rule has not yet been taken and no changes will be made at this stage.</p> <p>A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.</p>
comment	<p>181 comment by: USAC-CGT</p> <p>USAC-CGT even if having no medical expertise understands that the protocol to keep the medical certificate can be in opposition with the best interest of the ATCO's health in the long run.</p> <p>We think that no pressure shall be put on a person to put in balance one's health and one's job.</p> <p>Therefore, we reject this proposed modification.</p>
response	<p><i>Partially accepted</i></p>

The final decision on this rule has not yet been taken and no changes will be made at this stage.
A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.

comment

186

comment by: USCA

DIABETES MELLITUS – ATCO.MED.B.025(c) - EN 224

The issue here is the risk of hypoglycaemia which can lead to subtle incapacitation. **USCA does not oppose to the establishment of a certain protocol**, but the issue is still too technical and medical-related, so a debate among experts is essential.

response

Accepted

The final decision on this rule has not yet been taken and no changes will be made at this stage.
A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.

comment

188

comment by: ATCEUC- Air Traffic Controllers European Unions
CoordinationAttachment [#3](#)

Explanatory Note 224

ATCEUC provides a document on this particular issue.

response

Noted

The final decision on this rule has not yet been taken and no changes will be made at this stage.
A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.

comment

205

comment by: IFATCA

66	(A)	P.51 PARA 224	Stakeholders are specifically invited to provide their opinion on the medical certification of air traffic controllers who present with insulin-treated diabetes mellitus, including the proposed mitigation measures, and to provide justification elements on the possible safety, social, and economic impact of the proposal, supported by medical evidence.	Substitution by insulin as a reason to declare an ATCO unfit is not convincing for every case. If Part MED would not be fully compliant with ICAO standard as well as with Class 3 standard in some cases diabetes mellitus type I allow a fit assessment. However this would call for detailed description of criteria and limits in the IR. In order to safeguard ATCOS strict and conservative limits should be applied for the initial examination.
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response *Noted*

The final decision on this rule has not yet been taken and no changes will be made at this stage.
A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.

comment 311

comment by: DSAC - French NSA

Paragraph

ATCO.MED.B.001 (c)

Alternative proposal

Keep the requirement in the NPA.

Justification

The requirements for the operational limitations on the medical certificate are fully satisfying as written in the regulation.

- It is necessary for the operational limitations to be defined in conjunction with the air navigation service provider by the competent authority.

response *Partially accepted*

The final decision on this rule has not yet been taken and no changes will be made at this stage.
A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.

comment	313	comment by: DSAC - French NSA
	<p><u>Paragraph</u> ATCO.MED.B.001 (b) <u>Alternative proposal</u> (b) When assessing whether a <u>medical</u> limitation is necessary, particular consideration shall be given to:</p>	
response	<p><i>Not accepted</i></p> <p>A limitation imposed on a medical certificate describes the condition under which the medical certificate shall be valid for the exercise of the privileges of the licence. The addition of 'medical' does not cover all possible limitations, e.g. a shorter period of validity of a licence, or a specific work environment (e.g. chair, table height) in the case of reduced mobility of a person.</p>	

comment	323	comment by: NATS National Air Traffic Services Limited
	<p>EN 224 Stakeholders are specifically invited to provide their opinion on the medical certification of air traffic controllers who present with insulin-treated diabetes mellitus, including the proposed mitigation measures, and to provide justification elements on the possible safety, social, and economic impact of the proposal, supported by medical evidence. NATS fully supports the adoption of the Diabetes protocol in Appendix I page 70 of the Explanatory Notes as referred to in paragraph 224 of that document. Otherwise ATCOs on insulin would be excluded. This is unfair discrimination and ATCOs using insulin should be allowed to work subject to appropriate monitoring and control Adopt the Diabetes protocol in Appendix I pages 70 to 73 of the Explanatory Notes as referred to in paragraph 224 of that document</p>	
response	<p><i>Noted</i></p> <p>The final decision on this rule has not yet been taken and no changes will be made at this stage. A European Diabetes Panel will be held in February 2014 with specialists in the field. The outcome of this Panel will be used to reconsider this rule.</p>	

A. Explanatory Note – V. Detailed explanation of the proposed provisions – Annex IV – Part-ATCO.MED – Medical requirements for air traffic controllers – Subpart B – Requirements for air traffic controller medical certificates – Subpart B in detail	p. 52-54
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comment	60	comment by: Direction de la sécurité de l'aviation civile (DSAC)
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	<p>French medical experts consider that AMC1 ATCO.MED.B.020 Digestive system should not be changed, in particular the 3-month period after a major abdominal surgery should not be deleted. This opinion is based on 2 arguments: 1/ this acceptable waiting period is to be applied for the situations of a major abdominal surgery only, so that other abdominal operations may lead to a fit assessment earlier, such as surgery of the appendix and/or surgery by coelioscopy and 2/ there is also the option to declare the applicant fit before the end of this period when the aeromedical examiner consider that the recovery of the applicant is complete.</p>
response	<p><i>Partially accepted</i></p> <p>The original wording of the AMC did not give the AME or AeMC the choice to make a fit assessment earlier than 3 months after surgery. Considering the fact that abdominal surgery is a very general term and covers all forms and extent of surgery the text has been changed and the fixed period to wait before a fit assessment can be made has been taken out. The text now is: 'A fit assessment may be considered if recovery is complete, the applicant is asymptomatic, and the risk of secondary complication or recurrence is minimal.'</p>
comment	<p>61 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p>French medical experts apply the same arguments as part 230. to consider that the 3-month waiting period after a major renal or urological surgery should not be deleted in AMC1 ATCO.MED.B.035 Genito-urinary system. Renal transplantation can be presented as a rare and above all the most severe abdominal post-surgical situation in expertise. Many elements have to be checked before a fit assessment and most of them need to wait for several months: the return to a normal kidney function and a well-regulated blood pressure, the decrease in corticosteroid treatment, a functional transplanted organ verified on specific imaging techniques, the absence of transplant rejection, the return to a normal general condition and to a satisfactory psychological condition... In this context, the authors think that the 12-month waiting period necessary for a fit assessment should be maintained, and also that the exclusion of initial applicants is a reasonable proposal.</p>
response	<p><i>Partially accepted</i></p> <p>The 3-month waiting time has been deleted considering the fact that the kind and extent of GU surgery should be taken into account. The 12-month waiting time after renal transplant has been kept.</p>
comment	<p>62 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p>French medical experts apply the same arguments as part 230. and 233. to consider that the 3-month waiting period after a major gynaecological surgery should not be deleted in AMC1 ATCO.MED.B.045 Obstetrics and gynaecology.</p>

response	<p><i>Not accepted</i></p> <p>The 3-month waiting time has been deleted considering the fact that the kind and extent of gynaecological surgery should be taken into account.</p>	
comment	114	comment by: DFS Deutsche Flugsicherung GmbH
	<p>Answer to 230: Part B ATCO.MED.B.020 digestive system The conditions and timelines for a fit assessment after surgery can be determined independently from a fix timeline (given e.g. the modern methods of surgery and the wide variety of operations which may be relevant here). In this case, the conditions for a fit assessment should however be detailed at least on AMC level.</p>	
response	<p><i>Accepted</i></p>	
comment	115	comment by: DFS Deutsche Flugsicherung GmbH
	<p>Answer to 233: Part B ATCO.MED.B.035 genito-urinary system, The conditions and timelines for a fit assessment after surgery can be determined independently from a fix timeline (given e.g. the modern methods of surgery and the wide variety of operations which may be relevant here). In this case, the conditions for a fit assessment should however be detailed at least on AMC level.</p>	
response	<p><i>Accepted</i></p>	
comment	126	comment by: CAA-NL
	<p>Answer: We are of the opinion that the 3 months should not be deleted. Now we have consistency with similar requirements for class 1 pilots and there is always the possibility to return to duty earlier when declared fully cured.</p>	
response	<p><i>Partially accepted</i></p> <p>The original wording of the AMC did not give the AME or AeMC the choice to make a fit assessment earlier than 3 months after surgery. Considering the fact that abdominal surgery is a very general term and covers all forms and extent of surgery — as also mentioned in the comment — the text has been changed and the fixed period to wait before a fit assessment can be made has been taken out. The text now is: 'A fit assessment may be considered if recovery is complete, the applicant is asymptomatic, and the risk of secondary complication or recurrence is minimal.'</p>	

comment	127	comment by: CAA-NL
	<p>Answer: We are of the opinion that ATCO's, as class 1 pilots, could be accepted for initial approval. The requirements for ATCO's should not be more stringent as those for pilots. We do not understand the reasoning behind the 12 months. When the body rejects the new kidney there is no immediate safety problem. We would like to suggest to accept someone as ATCO when declared fully cured, on minimal use of medication against rejection and the kidney functioning well.</p>	
response	<p><i>Partially accepted</i></p> <p>The fixed periods to wait before a fit assessment may be considered as well as the differences between initial and revalidation examination have been considered on a case-by-case basis. Several amendments were made in this respect.</p>	
comment	139	comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)
	<p>Section: Explanatory Note, paragraph 230</p> <p>Relevant Text: Proposal to delete the 3-month period after surgery.</p> <p>Comment: Generally, with modern operation techniques fixed time limits after surgery should be avoided in the regulation. However, for a few specific conditions or operation techniques a fixed time limit should still be kept. The time limits have been amended in the proposal for an NPA of Part-MED for aircrew.</p> <p>Proposal: For the whole Part-ATCO.MED, the flexible time limits as proposed for the NPA of Part-MED should be followed.</p>	
response	<p><i>Partially accepted</i></p> <p>The fixed timelines to wait before a fit assessment may be considered have been deleted on a case-by-case basis, but independently from Part-MED.</p>	
comment	140	comment by: Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)
	<p>Section: Explanatory Note, paragraph 233</p>	

response *Partially accepted*

Relevant Text:

Proposal to keep or delete the exclusion of initial applicants and to keep or delete the 12-month period after renal transplantation or total cystectomy.

Comment:

Generally, the safety-related effects from a medical condition are the same for an initial applicant as for an experienced ATCO, even if some effects might be reduced with experience.

With modern operation techniques fixed time limits after surgery should be avoided in the regulation. However, for a few specific conditions or operation techniques a fixed time limit should still be kept.

In the proposal for an NPA of Part-MED for aircrew, the time limits have been amended and no difference is made between initial and renewal examinations.

Proposal:

For the whole Part-ATCO.MED, the flexible time limits and the possible remaining differences between initial and renewal as proposed for the NPA of Part-MED should be followed.

The fixed periods to wait before a fit assessment may be considered as well as the differences between initial and revalidation examination have been considered on a case-by-case basis. Several amendments were made in this respect.

comment 151

comment by: UK CAA

Page No: 52

Paragraph No: 230, relating to ATCO.MED.B.020 Digestive System

Comment: The UK CAA supports the change as proposed.

Justification: New text allows a return to work before the 3 month period which is appropriate.

response *Accepted*

comment 152

comment by: UK CAA

Page No: 53

Paragraph No: 233, relating to AMC1 ATCO.MED.035 (d)(3) GU System

Comment: There should be no difference between initial and renewal standards.

The text should include recovery from surgery, stability of renal function and freedom from side effects of medication.

	<p>Justification: There is increased cardiovascular risk after renal transplantation.</p> <p>Proposed Text: Amend AMC1 ATCO.MED.035(d) as follows: “(3) Applicants who have undergone renal transplantation may be considered for a fit assessment subject to the following: i) following full recovery from surgery, ii) fully compensated and tolerated with acceptable renal function, iii) the use of only minimal immuno-suppressive therapy and freedom from side effects, iv) annual cardiovascular review.”</p>
response	<p><i>Partially accepted</i></p> <p>The amendments (i) to (iv) have been accepted. The time period of 12 months has been kept for the time being, but can be reconsidered when updating the medical requirements.</p>

comment	206	comment by: IFATCA				
	<table><tr><td>67</td><td>(A)</td><td>P 52 para 230</td><td>Stakeholders are invited to comment on this AMC1 ATCO.MED.B.020(f) to consider whether the 3-month period could be deleted, and to provide justification elements on the possible safety, social, and economic impact of the proposal, supported by medical evidence.</td><td>Timelines for fit assessment should not be rigid because state of the art methods of surgery and a variety of surgery techniques lead to different conditions and after surgery requirements. This will lead to the necessity of adapted timelines as well as to different conditions for fit assessment. These conditions need to be described in great detail</td></tr></table>	67	(A)	P 52 para 230	Stakeholders are invited to comment on this AMC1 ATCO.MED.B.020(f) to consider whether the 3-month period could be deleted, and to provide justification elements on the possible safety, social, and economic impact of the proposal, supported by medical evidence.	Timelines for fit assessment should not be rigid because state of the art methods of surgery and a variety of surgery techniques lead to different conditions and after surgery requirements. This will lead to the necessity of adapted timelines as well as to different conditions for fit assessment. These conditions need to be described in great detail
67	(A)	P 52 para 230	Stakeholders are invited to comment on this AMC1 ATCO.MED.B.020(f) to consider whether the 3-month period could be deleted, and to provide justification elements on the possible safety, social, and economic impact of the proposal, supported by medical evidence.	Timelines for fit assessment should not be rigid because state of the art methods of surgery and a variety of surgery techniques lead to different conditions and after surgery requirements. This will lead to the necessity of adapted timelines as well as to different conditions for fit assessment. These conditions need to be described in great detail		
response	Accepted					

comment	207	comment by: IFATCA
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68	(A)	P 53 para 233	Stakeholders are invited to comment on the exclusion of initial applicants and the time span to wait and/or provide alternative proposals supported by medical evidence and justification elements on the possible safety, social, and economic impact of such proposals.	Timelines for fit assessment should not be rigid because state of the art methods of surgery and a variety of surgery techniques lead to different conditions and after surgery requirements. This will lead to the necessity of adapted timelines as well as to different conditions for fit assessment. These conditions need to be described in great detail in order to cover at least most individual cases
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response *Accepted*

comment 312

comment by: *DSAC - French NSA*

Paragraph

ATCO.MED.B.001 (b) (1)

Alternative proposal

(1) whether ~~accredited medical conclusion~~ medical assessment by the competent authority (?) indicates that in special circumstances the applicant's failure to meet any requirement, whether numerical or otherwise, is such that exercise of the privileges of the licence ~~applied for~~ is not likely to jeopardise ~~flight~~ safety;

Justification

- accredited medical conclusion is not defined
- this situation may arise in other circumstances when a licence is applied for
- For ATC, "safety" is promoted and not "flight safety".

response *Not accepted*

The text is based on ICAO Annex 1, paragraph 1.2.4.9, the so-called flexibility paragraph. Most authorities have established a medical board of independent advisors to assess difficult cases where such a review of a medical condition is made.

The definition for 'accredited medical conclusion' is in MED.A.010.

comment 324

comment by: *NATS National Air Traffic Services Limited*

EN 230

Stakeholders are invited to comment on this AMC1 ATCO.MED.B.020(f) to consider whether the 3-month period could be deleted, and to provide justification elements on the possible safety, social, and economic impact of the

	<p>proposal, supported by medical evidence. NATS supports the removal of the 3 months period. The suggested wording could be: 'f) Abdominal surgery Major abdominal surgery may be disqualifying until recovery is complete, the applicant is asymptomatic and the risk of secondary complication or recurrence is minimal.' Some surgical procedures especially keyhole operations will have much quicker recovery times. ATCOs would otherwise be excluded unfairly from the workplace.</p>
response	<i>Accepted</i>

comment	<p>325</p> <p>comment by: <i>NATS National Air Traffic Services Limited</i></p>
	<p>EN 233 Stakeholders are invited to comment on the exclusion of initial applicants and the time span to wait and/or provide alternative proposals supported by medical evidence and justification elements on the possible safety, social, and economic impact of such proposals. NATS has no view either way on this topic.</p>
response	<i>Noted</i>

**A. Explanatory Note – V. Detailed explanation of the proposed provisions –
Annex IV – Part-ATCO.MED – Medical requirements for air traffic
controllers – Subpart C – Requirements for aero-medical examiners**

p. 54-55

comment	<p>314</p> <p>comment by: <i>DSAC - French NSA</i></p>
	<p><u>Paragraph</u> ATCO.MED.C.005 (c) <u>Alternative proposal</u> (c) When the AME undertakes aero-medical examinations in more than one location, they shall provide the competent authority with relevant information regarding all practice locations and practice facilities <u>that are included in the scope of the oversight for the AME certificate.</u></p>
response	<p><i>Not accepted</i></p> <p>The scope of AMEs may cover all classes of medical certificates. The system for AMEs has already been set up in Part-MED (aircrew) and it would be difficult for AMEs to see two different rules for the same issue.</p>

comment	315	comment by: DSAC - French NSA
	<p><u>Paragraph</u> AMC1 ATCO.MED.C.001 (c) (3)</p> <p><u>Alternative proposal</u> The briefing received from the competent authority should at least cover the following items related to the national specificities:</p> <ul style="list-style-type: none"> - organisation and structure of the competent authority, - legal requirements, - any other relevant information regarding the exercise of the privilege of the certificate 	
response	<p><i>Not accepted</i></p> <p>The competent authority will determine which topics to include in the briefing.</p>	

comment	316	comment by: DSAC - French NSA
	<p><u>Paragraph</u> ATCO.MED.C.025</p> <p><u>Alternative proposal</u> (c)having performed at least 10 aero-medical examinations every year. This number of examinations may only be reduced by the competent authority in duly justified circumstances; <u>(c') if the requirement of (c) cannot be met, the holder shall comply with the procedure defined by the competent authority to revalidate the certificate.</u></p>	
response	<p><i>Not accepted</i></p> <p>It is important that an AME has at least a minimum of experience.</p>	

A. Explanatory Note – VI. Questions to stakeholders

p. 55-56

comment	135	comment by: FABEC
	<p>FABEC responds as follows to questions in Chapter V of this document:</p> <p>1) Psychoactive substances FABEC supports the intention to remove caffeine from the list of psychostimulants</p> <p>2) Educational requirements FABEC supports Option A as stated in B I.</p> <p>3) Maximum validity period FABEC is in favor of a 3-year maximum validity period.</p> <p>4) Level 5 language proficiency requirements for ATCO FABEC strongly disagrees with potential level 5 language proficiency</p>	

response

requirements in ATCO.B.030.
Such requirements are in contradiction to the concept of ICAO language proficiency standards.

Noted

comment

257

comment by: Civil Aviation Authority Norway

Art.		Comment
29	Stakeholders are invited to comment on the Agency's proposal to amend the definition of psychoactive substances to exclude caffeine from psychostimulants.	See B.I Art. 3, paragraph 17
45	Stakeholders are invited to indicate their preferred option and to provide justification elements on the possible safety, social, and economic impact of the option chosen, or alternatively to propose another suitable and justified solution to the above issue.	See ATCO.B.001(b)
53	Stakeholders are invited to comment on the proposed 3-year maximum validity period and/or provide eventual alternative proposals accompanied by justification elements on the possible safety, social, and economic impact of such proposals.	See ATCO.B.020
59	Stakeholders are invited to comment on the current proposal in ATCO.B.030 (d) and/or provide eventual alternative proposals accompanied by justification elements on the possible safety, social, and economic impact of such proposals.	See ATCO.AR.A.010 and ATCO.B.030(d)
224	Stakeholders are specifically invited to provide their opinion on the medical certification of air traffic controllers who present with insulin treated diabetes mellitus, including the proposed mitigation measures, and to provide justification elements on the possible safety, social and economic impact of the proposal, supported by medical evidence.	Insuline treated diabetes mellitus should be accepted according to the Appendix I to the Explanatory Note as the risk of incapacitation is minimized and proper limitations are applied.
230	Stakeholders are invited to comment on this AMC1 ATCO.MED.B.020 (f) to consider whether the 3-month period could be deleted, and to provide justification elements on the possible	We support the suggestion in Explanatory note to remove 3-month period and replace this with individual assessment. In the example of a simple surgical

	safety, social and economic impact of the proposal, supported by medical evidence.	procedure for hernia there should be little aeromedical concerns after 6 weeks is the postoperative period has been without complications.
233	Stakeholders are invited to comment on the exclusion of initial applicants and the time span to wait and/or provide alternative proposals supported by medical evidence and justification elements on the possible safety, social and economic impact of such proposal.	Given most important aeromedical argument for distinguishing between initial and revalidation is the possibility to compensate for a condition by operational experience, there should not be justified to allow revalidation with renal transplantation and total cystectomy while initials are not.
response	Noted	

comment

263	comment by: <i>comments provided on behalf of FIT/CISL italian trade union</i>	
	<p>Paragraph 29: FIT/CISL agrees on the change to amend the definition of psychoactive substances to exclude caffeine from psychostimulants.</p> <p>Paragraph 45: FIT/CISL is in favour of option B with some changes.</p> <p>Paragraph 53: FIT/CISL agrees with the flexibility provision on the validity of the unit endorsements.</p> <p>Paragraph 59: FIT/CISL agrees on the need to delete the provision.</p> <p>Paragraphs 224, 230 and 233: due to the difficulty of the subject FIT/CISL is not able to provide a competent answer and proposes to commit an appropriate working group composed by experts coming from the different stakeholders including Trade Unions of course.</p>	
response	Noted	

A. Explanatory Note – VI. Questions to stakeholders – Remotely operated towers

p. 56-59

comment

22

comment by: LFV

Ref 265.

Answers to questions:

1. No, a unit endorsement should be sufficient
2. Yes, since each aerodrome has its unique physical lay out, traffic patterns, obstacles, viewing etc.
3. Only to the extent that the CCC provides for harmonised, initial training.
4. Since answer to question 1 is no, LFV has no answer. With regards to unit endorsement the site specific competence requirements should be described in the unit training plan.

response

Noted

comment

45

comment by: CANSO Civil Air Navigation Services Organization

Question 1: Do you think that the remote tower operation will need its own rating endorsement?

No, a unit endorsement should be sufficient

Needs also the conditions and scope of service. Not mature enough to be commented correctly.

Question 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement?

Yes

Question 3: To which extent should training objectives for remote tower operations be harmonised across Europe?

Only to the extent that the Common Core Content provides for harmonised training across Europe. Each tower, being its own unit endorsement, will have to have site-specific training.

Question 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?

As we answered "no" to Q1, we are re-phrasing the question: **How much practical training is needed as a minimum to obtain a unit rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?**

As it is site-specific, the answer should lie in the UTP and not as a requirement for all ROT throughout Europe.

response

Noted

comment	48	comment by: Aaron Curtis Prospect ATCOs' Branch UK
	<p>Question 1</p> <p>It is our view that ROT will need it's own rating endorsement. The provision of services using ROT is depended on technology, and different types of technology that are as yet are quite immature and may well require a different basic skill set than those at a traditional tower. Licence holders will be need to understand these differences and it would be appropriate to provide a specific rating course which provides the unique training that will be required.</p>	
response	Noted	

comment	49	comment by: Aaron Curtis Prospect ATCOs' Branch UK
	<p>Question 2</p> <p>Yes, it is commensurate with all other basic principles of licensing that each unit / tower and operating position has a unit endorsement associated with it.</p>	
response	Noted	

comment	50	comment by: Aaron Curtis Prospect ATCOs' Branch UK
	<p>Question 3</p> <p>The common core content of training should be harmonised as it is proposed to be with other ATCO training. The specific unit training should be tailored to each individual unit, as is common practice now.</p>	
response	Noted	

comment	51	comment by: Aaron Curtis Prospect ATCOs' Branch UK
	<p>Question 4</p> <p>This should be proposed by the Eurocontrol common core task force.</p>	
response	Noted	

comment	56	comment by: skyguide Corporate Regulation Management
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	<p>4 questions on ROT</p> <p>Question 1: Do you think that the remote tower operation will need its own rating endorsement?</p> <p>Question 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement?</p> <p>Question 3: To which extent should training objectives for remote tower operations be harmonised across Europe?</p> <p>Question 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?</p> <p>1: no, a unit endorsement should be sufficient</p> <p>2: yes, as any other unit</p> <p>3: as far as practicable, i.e. within the scope of the initial training. However, this will only lead to a rating and rating endorsement the same as any other tower. The specificities of a RoT will lie in the unit endorsement as this is the part of training where site specifics are taught</p> <p>4: it is impossible to give a number as this will depend on the type of tower, type of movements, complexity and technological setup. To be followed within SESAR.</p>
response	Noted

comment	<p>68</p> <p>comment by: ICAA</p>
	<p>Question 1: Do you think that the remote tower operation will need its own rating endorsement?</p> <p>Yes. If an holder of a tower unit endorsement is meant to perform his/hers duties "remotely" he/she will require additional training concerning i.a. the "technical solution of taking the sensor data collected from the aerodrome and its vicinity and transmitting it to the remote tower facility".</p> <p>Question 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement?</p> <p>Yes. Rating endorsements are further needed to represent the different operations as per single or multiple operations</p> <p>Question 3: To which extent should training objectives for remote tower operations be harmonised across Europe?</p> <p>In the same manner as training objectives for all other ATC operations.</p> <p>Question 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?</p> <p>Hard to estimate. To begin with it would seem appropriate to use the same criteria as for non-remote tower unit training and take further decisions based on</p>

response	<p>that experience.</p> <p><i>Noted</i></p>
comment	<p>75 comment by: DSNA</p> <p>265. We have not enough knowledge of the remote tower concept to answer these questions properly. On a first analysis, It seems to us that : Question 1 : The remote tower operation does not need a new rating endorsement Question 2 : An aerodrome controlled by a remotely operated tower should constitute a specific unit endorsement, But we can not answer questions 3 & 4.</p>
response	<p><i>Noted</i></p>
comment	<p>89 comment by: DSAC - French NSA</p> <p><u>Paragraph</u> Explanatory note §265 <u>Alternative proposal</u> Question 1 : the use of a specific rating for the remote tower operation must be further analysed. Question 2 : Every aerodrome controlled by a remotely operated tower should constitute its own unit endorsement Question 3 : this question will be answered when the concept of remote tower operation is validated for a majority of European countries, France included. Question 4 : this question will be answered when the concept of remote tower operation is validated for a majority of European countries, France included. <u>Justification</u> The concept of remote tower operation cannot be considered as mature in every European country. The matter has not been studied, even less validated in France. Consequently, it seems premature to address the subject so precisely at this stage for the controller licence. - Question 1 : as it is known today, the use of a specific rating for the remote tower operation needs further studies when the concept is sufficiently mature for a majority of European countries to be put into force. - Question 2 : in a unit, different positions or sectors, collapsed or not, constitutes unit endorsements. Consequently, a position related to a specific aerodrome controlled by a remotely operated tower can constitute a specific unit endorsement as other positions or sector of the undertaking where it is operated. - Question 3 and 4 : the concept considered mature for some countries experimenting it in their own context within SESAR has not been validated by France.</p>
response	<p><i>Noted</i></p>

comment	<p>116</p> <p>comment by: DFS Deutsche Flugsicherung GmbH</p> <p>Answer to 265: remotely operated tower</p> <p>Question 1: Do you think that the remote tower operation will need its own rating endorsement?</p> <p>Answer: no. Unit endorsement is regarded as sufficient.</p> <p>Question 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement?</p> <p>Answer: yes. Local varieties of those airports foreseen for remote operation require an individual unit's endorsement.</p> <p>Question 3: To which extent should training objectives for remote tower operations be harmonized across Europe?</p> <p>Answer: The Common Core Content alone provides for harmonised training across Europe. While training objectives for the ADI rating module remain unchanged, a brief remote tower introduction training module will follow where applicable, to serve the familiarization with remote tower equipment and environment. Each tower, being its own unit endorsement, will have to have site-specific training.</p> <p>Question 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?</p> <p>Answer: we do not support a separate rating endorsement, see Question 1. As this should be site-specific, it must be subject to the unit training plan and accommodated to the unit's needs in terms of setting limiting values.</p>
response	Noted

comment	<p>128</p> <p>comment by: CAA-NL</p> <p>Question 1: Do you think that the remote tower operation will need its own rating endorsement?</p> <p>Yes, we see this as a variant on the rating Tower</p> <p>Question 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement?</p> <p>Yes, we are of the opinion the ATCO needs to be checked on the field(s) controlled by the remote Tower. This is also applicable for Afiso's.</p> <p>Question 3: To which extent should training objectives for remote tower operations be harmonised across Europe?</p> <p>We are of the opinion that the common core content may need some additional aspects for the new rating. At an appropriate moment these additional aspects should be harmonized across Europe. The unit endorsement is always unit specific.</p> <p>Question 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?</p> <p>At this moment in time of these development we feel not to be in a position to give a specific answer. However we think the use of the remote equipment</p>
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response	would not add much to the needed practical training on the field itself.
	<i>Noted</i>
comment	<p>130 comment by: HungaroControl</p> <p>EN 265 (remotely operated towers): Answer 1: No, a unit endorsement should be sufficient Answer 2: Yes Answer 3: Only to the extent that the Common Core Content provides for harmonised training across Europe. Each tower, being its own unit endorsement, will have to have site-specific training. Answer 4: As we answered "no" to Q1, we are re-phrasing the question: How much practical training is needed as a minimum to obtain a unit rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?</p>
response	<i>Noted</i>
comment	<p>136 comment by: FABEC</p> <p>FABEC takes note of the explanations and questions with regard to remotely operated towers. The currently available concepts are not mature enough to answer the specific questions 1-4. FABEC proposes to postpone specific rulemaking activities for ATCO licensing in ATC units with remote tower services until technology and procedural standards are established for that kind of operation. Remote tower operations on a trial basis should be based on agreements between ANSP and the competent authority.</p>
response	<i>Noted</i>
comment	<p>153 comment by: UK CAA</p> <p>Page No: 59 Paragraph No: 265 Comment: The UK currently does not employ remote Tower Technology except as business continuity (fall-back mode). We are therefore, unable to comment on these questions suffice to say that whatever proposals are generated, harmonisation across the EU should be an aspiration and care taken to ensure that any associated regulation is risk based and proportionate.</p>
response	<i>Noted</i>

comment

156

comment by: *ATCEUC- Air Traffic Controllers European Unions
Coordination***Remotely Operated Towers**

Q1) Do you think that the remote tower operation will need its own rating endorsement?

ATCEUC - Yes, ADI rating and ROT rating endorsement.

Q2) Should every aerodrome controlled by a ROT constitute its own unit endorsement?

ATCEUC - Yes, One unit endorsement for each aerodrome.

Q3) To which extent should training objectives for remote tower operations be harmonized across Europe?

ATCEUC - Training objectives may be harmonized by the Eurocontrol Common Core Content Task Force.

Q4) How much practical training is needed as a minimum to obtain a rating endorsement (in hours, in number of approaches and/or departures) on remote towers?

ATCEUC - Minimum number of hours to obtain the ROT rating endorsement should be proposed by the Eurocontrol Common Core Content Task Force.

response

Noted

comment

158

comment by: *swissatca*

Answer Q1: Probably not necessary, however it could depend on the tasks that will be performed. If those tasks are covered by the existing TWR rating or not.

Answer Q2: Absolutely yes!

Answer Q3: As far as practicable, taking into account the variety of equipment used and possibly restricting ROT hours of operation and maximum hourly traffic numbers.

Q4: TBD by respective ANSP and Regulators.

response

Noted

comment

165

comment by: *DATCA*

response	<p>Ref 254 and 256</p> <p>We can see several good and very useful things being developed which can help increase flight safety in existing towers today. The Remote Operating Tower (ROT) concept is very new and it is needed to be monitored closely. We find it essential that ROT operations are based on a "one to one" principle. That is one ATCO to one tower. We know the main reason for this concept is driven by cost efficiency, but we are very concerned regarding any concept of controllers operating multi towers (and large complex airports) from one position at the same time. There are many considerations to be taken into account eg.: different weather conditions, VFR versus IFR, and complex aerodrome layouts.</p> <p>Q1 We think it is essential with an ADI rating and "ROT" endorsement</p> <p>Q2 One endorsement per aerodrome</p> <p>Q3 Should be incorporated in the Eurocontrol CCC</p> <p>Q4 Too early in the process to take a position. Again it should refer to CCC</p> <p><i>Noted</i></p>
comment	<p>168 <i>comment by: European Transport Workers Federation - ETF</i></p> <p>Q1) ADI rating and ROT rating endorsement. ETF agrees on the need of a rating endorsement to associate to the ADV or ADI rating because a parallel is possible between procedural and surveillance ratings. There will be some different issues that are not site specific and responsibilities may also change from a regular tower.</p> <p>Q2) Yes, one unit endorsement for each aerodrome.</p> <p>Q3) Training objectives may be harmonized by the Eurocontrol Common Core Content Task Force.</p> <p>Q4) Minimum number of hours to obtain the ROT rating endorsement should be proposed by the same Eurocontrol Common Core Content Task Force.</p> <p><i>Noted</i></p>
comment	<p>169 <i>comment by: Federazione ATM-PP</i></p> <p>Regarding Remotely Operated Towers (ROT), Federazione ATM-PP has this position:</p> <p>Answer Q1): Yes, we think ROT will need its own rating endorsement (ADI rating and ROT rating endorsement)</p> <p>Answer Q2): Yes, each aerodrome (or each runway if more than one) controlled by a ROT constitute its own unit endorsement</p> <p>Answer Q3): Training objectives may be harmonized by the Eurocontrol Common Core Content Task Force.</p> <p>Answer Q4): Minimum number of hours to obtain the ROT rating endorsement should be proposed by the Eurocontrol Common Core Content Task Force.</p>

response *Noted*

comment 171 comment by: *SINCTA - Portuguese Air Traffic Controllers' Union*

265.

SINCTA agrees on the need of a rating endorsement to associate to the ADV or ADI rating because a parallel is possible between procedural and surveillance ratings. There will be some different issues that are not site specific and responsibilities may also change from a regular tower.

Each aerodrome should also have its own unit endorsement as it is today because of the different equipment, procedures, layouts and meteorological events.

Q1) ADI rating and ROT rating endorsement.

Q2) One unit endorsement for each aerodrome.

Q3) Training objectives may be harmonized by the Eurocontrol Common Core Content Task Force.

Q4) Minimum number of hours to obtain the ROT rating endorsement should be proposed by the same Eurocontrol Common Core Content Task Force.

response *Noted*

comment 182 comment by: *USAC-CGT*

USAC-CGT thinks that the Remotely operated towers is not mature enough to begin regulating it.

We also think that it's important to know where ICAO's work on that topic is heading after the decision taken in the last Air Navigation Conference.

But here are the answer we can provide :

1) Yes, a rating endorsement has to be created.

2) Yes the principle should be one aerodrome one unit endorsement (implying that if ROT is used as back-up procedure it should be included in the unit endorsement with appropriate training).

3) Don't know yet, we should wait for the technology to be more mature to decide.

4) Too early to decide.

response *Noted*

comment 189 comment by: *USCA*

REMOTELY OPERATED TOWERS

The fundamental idea is that there MUST NOT be more than one ATCO per aerodrome (runway) at each time.

USCA agrees on the need of a rating endorsement to associate to the ADV or ADI rating because a parallel is possible between procedural and surveillance ratings. There will be some different issues that are not site specific and

	<p>responsibilities may also change from a regular tower. So, our answers for the questions asked in the NPA are: ROT 1: Do you think that the remote tower operation will need its own rating endorsement? There will be necessary both ADI rating and ROT rating endorsement ROT 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement? Yes: One unit endorsement for each aerodrome ROT 3: To which extent should training objectives for remote tower operations be harmonized across Europe? Training objectives may be harmonized by the Eurocontrol Common Core Content Task Force ROT 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers? This is something that should be proposed by the same Eurocontrol Common Core Content Task Force.</p>
response	Noted
comment	<p>195</p> <p>comment by: <i>Belgocontrol Training Centre</i></p> <p>Comment on EN 265: Q1: A unit endorsement should be sufficient but this is not mature enough to be commented correctly Q2: yes Q3: To the extent that the CCC provides harmonised training in Europe. Each tower, being its own unit endorsement, will have to have site-specific training.</p>
response	Noted
comment	<p>208</p> <p>comment by: <i>IFATCA</i></p>

69	(A)	P59 para 265	Stakeholders are invited to respond to the above questions and provide justification elements on the possible safety, social, and economic impact of their preferred option, and/or eventually provide alternative solutions accompanied by justification appropriate to the issue.	As questioned already during the workshop in January IFATCA has difficulties to assess the conditions and scope for the proposed concepts of –remote Tower. It is our understanding that some of the work currently being researched in the SESAR WP 6.9.3. leads to a possibility of having remote towers being established very soon. The question which is not answered and therefore makes it difficult to give a complete answers are: Is it foreseen that full ATS (ICAO definition) will be provided or if it is a AFIS service only. If it is the later then separate conditions do apply. IFATCA's answers are in the light of providing full ATS services at these remote towers.
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response *Noted*

comment 209

comment by: IFATCA

70	Question 1: Do you think that the remote tower operation will need its own rating endorsement?	Yes
71	Question 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement?	Yes
72	Question 3: To which extent should training objectives for remote tower operations be harmonised across Europe?	In line with training objectives for other kinds of training. ROTs shall not be treated differently. The fact that it is a new concept deserves to use particular care. One could imagine that it leads to a rating and a rating endorsement the same as any other tower. The specificities of ROT will lie in the unit endorsement

	<p>73 Question 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?</p>	<p>Though very difficult to estimate as the concept as at the research stage: For new Student ATCOs the same number as in a normal Tower. For ATCOs moving from a "normal" to a remote environment this would need to be looked at in more details.</p>
response	Noted	
comment	<p>211 comment by: ICEATCA</p> <p>Q1. YES</p> <p>Q2. YES</p> <p>Q3. Training objectives should be harmonized by the Eurocontrol Common Core Content Task Force.</p> <p>Q4. Minimum number of hours to obtain the remotely operated tower rating endorsement should be proposed by the Eurocontrol Common Core Content Task Force.</p>	
response	Noted	
comment	<p>236 comment by: EUROCONTROL</p> <p>Paragraph 262: Remove <i>and procedural control</i> from the text in 262 as it does not exist in tower environments. It could also be replaced with increased separation minima.</p>	
response	Accepted	
comment	<p>237 comment by: EUROCONTROL</p> <p>Paragraph 265:</p> <p>Question 1: yes to own tower rating endorsement, as very different equipment will be used compared to onsite operations. In addition, an endorsement for each tower remotely controlled should be envisaged. Question 2: yes</p>	

response	Question at the introduction of remote towers, a harmonisation will be difficult, however when remote towers will be more common, inclusion in initial training objectives can be considered	3:
	Question This will be very unit specific, and it would also depend on how many remote towers are controlled from one single remote tower unit.	4:
	Noted	

comment	256	comment by: <i>SWISS AERODROMES ASSOCIATION</i>
	The "remote" character is less important than the local specificities and therefore an ADI (why not ADV ?) or specific additional rating endorsement would be unnecessary burdensome.	
response	Noted	

comment

258

comment by: *Civil Aviation Authority Norway*

Q 1 Do you think that the remote tower operation will need its own rating endorsement?	<p>Yes.</p> <p>ADI-RTS (Remote Tower Single)</p> <p>ADI-RTM (Remote Tower Multiple)</p> <p>or</p> <p>ADI-RTS-RAD and/or GMS (Remote Tower Single, surveillance) or</p> <p>ADI-RTM-RAD and/or GMS (Remote Tower Multiple, surveillance).</p> <p>RAD or GMS could be replaced by SUR (Surveillance) if the Agency decides to simplify the ADI term.</p> <p>At this stage we suppose that RVT operations will be conducted at smaller airports with combined air and ground service.</p>
Q 2 Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement?	<p>Yes.</p> <p>Unit endorsement for every unit that the remotely operated tower is handling.</p> <p>The controller needs to have knowledge about every aerodrome that shall be dealt with, as if it was not remote.</p> <p>Among the things that needs to be covered:</p> <ul style="list-style-type: none">-SIDs/STARs, instrument approaches etc-knowledge local AD (RWY...)-surroundings-weather around the airport-contingency-handling EMG tfc etc,-coordination

Q 3 To which extent should training objectives for remote tower operations be harmonized across Europe?

This is a research project under SESAR; safety issues for ATCOs are EASA responsibility.
Indeed it should be harmonized, otherwise it would develop differently.
SESAR should, based on the WP 6.9.3 project, give recommendations to EASA, with the experience and recommendations from at least the ANSP and CA in the States involved. AMC and GM should be developed.

Q 4 How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote tower?

Hard to estimate – no experience.
Remote tower is a technology based ATC system, and if supporting systems are failing, the aerodrome will be closed. This technology will necessitate STD (synthetic training device) to be used when training the controller for single or multiple aerodromes. As remote tower operation most likely will be implemented at aerodromes with low density traffic, it is important to train in an environment that gives appropriate skills and knowledge in conflicting traffic, EMG and other procedures.
All elements in UTP should be trained in a simulator.
Then there is no need for specifying a minimum number of hours etc.
Regarding service provision, training and competence, the following questions arises:
Single:
Only open for scheduled traffic?
Can vehicles operate on the manoeuvring area when controller not present?
With or without surveillance?
Multiple is more complex:
-How many aerodromes should controller take responsibility for?
-With or without surveillance?
-Is aerodrome closed when traffic has landed?
-Traffic at the same time at different aerodromes or a queueing system?
-Other combinations, e.g. working with a TMA (APS combined with remote tower) – any restrictions?
How should HMI be dealt with and what risk is it with multiple operations?
- Controllers ability to cope with rapid changes (unit/weather/runway conditions/coordination with local personnel)?
How shall the Competent authority deal with approving a remote unit, and approving UTP for ATCOs and also approving multiple operation service?

response

Noted

What about weather observation, manual or automatic?
 What about UCS and time/working hours, OJTI experience and qualifications, assessors, any medical issues related to the technical environment (HMI)?

comment

265

comment by: *Swedish Transport Agency, Civil Aviation Department
 (Transportstyrelsen, Luftfartsavdelningen)*

Q 1 No, it is still aerodrome control service that is being provided.
 Q 2 No, the ATS unit will be RTC XXXX instead of ATS XXXX. So the unit endorsement is for RTC XXXX and the sector/position you work in. The sector/position in this case is the different aerodromes. The requirement for minimum number of hours for exercising the privileges of the unit endorsement needs to be broken down by sector/position (i.e. aerodrome).
 Q 3 Harmonization in that case would be in the initial training and we do not believe that there will be any significant change in the provision of aerodrome control service compared to from a tower at the aerodrome. There will also certainly be different technologies used. So in the current situation we think there is no need for harmonization.
 Q 4 It is difficult to name a minimum number of hours etc. The student shall fulfill the objectives of the unit endorsement course for that aerodrome.

response

Noted

comment

266

comment by: *comments provided on behalf of FIT/CISL italian trade union*

Question 1:

Yes: ADI rating and ROT rating endorsement

Question 2:

Yes: One unit endorsement for each aerodrome

Question 3:

Training objectives may be harmonized by the Eurocontrol Common Core Content Task Force

Question 4:

Minimum number of hours to obtain the ROT rating endorsement should be proposed by the same Eurocontrol Common Core Content Task Force.

In case remote ATS services are to be provided using the yet to be finely

response

defined remote tower technology, FIT/CISL thinks that a new rating has to be established with proper requirements to be defined by a future rulemaking task. It seems most likely that each remotely controlled aerodrome will need its own unit endorsement. This being said, if remote tower technology is to be used as a fall-back procedure for providing ATS services (including Low Visibility Procedure conditions) then it should be covered by the relevant ratings and unit endorsements provided proper training and regular exercises (to be accurately defined in future rulemaking task) are planned in the unit training plan and in the unit competence scheme. In the meantime any experiments should be made under close EASA oversight.

Noted

comment

272

comment by: ENAV

Question 1: Do you think that the remote tower operation will need its own rating endorsement?

No, a unit endorsement should be sufficient
Needs also the conditions and scope of service. Not mature enough to be commented correctly.

Question 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement?

Yes

Question 3: To which extent should training objectives for remote tower operations be harmonised across Europe?

Only to the extent that the Common Core Content provides for harmonised training across Europe. Each tower, being its own unit endorsement, will have to have site-specific training.

Question 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?

As we answered "no" to Q1, we are re-phrasing the question: **How much practical training is needed as a minimum to obtain a unit rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?**
As it is site-specific, the answer should lie in the UTP and not as a requirement for all ROT throughout Europe.

response

Noted

comment

326

comment by: NATS National Air Traffic Services Limited

	<p>EN 265 (remotely operated towers)</p> <p>Question 1: Do you think that the remote tower operation will need its own rating endorsement? No, a unit endorsement should be sufficient for each aerodrome serviced. There needs to be a description of the conditions and scope of service. The concept is not mature enough to be commented accurately</p> <p>Question 2: Should every aerodrome controlled by a remotely operated tower constitute its own unit endorsement? Yes</p> <p>Question 3: To which extent should training objectives for remote tower operations be harmonised across Europe? Only to the extent that the Common Core Content provides for harmonised initial training across Europe. Each aerodrome serviced will need its own unit endorsement and therefore its own unit training.</p> <p>Question 4: How much practical training is needed as a minimum to obtain a rating endorsement (e.g. in hours, in number of approaches, and departures) on remote towers? As NATS answer is 'no' to Q1, the question should be rephrased to: How much practical training is needed as a minimum to obtain a unit endorsement (e.g. in hours, in number of approaches, and departures) on remote towers?</p> <p>As it is site-specific, the answer should lie in the UTP and not as a requirement for all remotely operated towers throughout Europe.</p>
response	<i>Noted</i>

comment	<p>330</p> <p>comment by: <i>ERAC European Regional Aerodrome Community</i></p> <p>Question 1 yes</p> <p>Question 2 yes</p> <p>Question 3 To the same extend as normal tower operations</p> <p>Question 4 There are no figures fitting to all remote towers. Depending on the complexity of the aerodrome it should be set individually together with the competent authority</p>
response	<i>Noted</i>

comment	<p>364</p> <p>comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Article: Question 1 Comment / Issue / Suggestion: No, a unit endorsement. Justification: The SESAR package 06.09.03 is not mature enough and needs further</p>
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response	<div>developement before a deeper evaluation</div> <div>Noted</div>
comment	<div>365 comment by: <i>Federal Office of Civil Aviation FOCA</i></div> <div>Article: Question 2 Comment / Issue / Suggestion: Yes. Justification: The SESAR package 06.09.03 is not mature enough and needs further developement before a deeper evaluation</div>
response	<div>Noted</div>
comment	<div>366 comment by: <i>Federal Office of Civil Aviation FOCA</i></div> <div>Article: Question 3 Comment / Issue / Suggestion: According CCC (Common Core Content) Justification: The SESAR package 06.09.03 is not mature enough and needs further developement before a deeper evaluation</div>
response	<div>Noted</div>
comment	<div>367 comment by: <i>Federal Office of Civil Aviation FOCA</i></div> <div>Article: Question 4 Comment / Issue / Suggestion: It is not possible to answer question 4 as question 1 was answered with "No" and it is not best practice to define a minimun number of hours for the training. Justification: The SESAR package 06.09.03 is not mature enough and needs further developement before a deeper evaluation</div>
response	<div>Noted</div>

A. Explanatory Note — VII. Summary of the Regulatory Impact Assessment p. 60-67

comment

11

comment by: ENAC-FRANCE

273.Approach to initial training-transposition of the common core contentComment:

The option 2a) or 2b) static or dynamic referencing would have been preferable.

Justification:

One single document, as reference, is easier to use.

The Eurocontrol ACCCTF process to update this document involves training experts from all European training organisations, ANSPs and competent authorities.

response

Noted

The rationale and the methodology adopted for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account 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;
- Subject objectives and training objectives are transposed into AMC. The AMC now include also the subjects, topics and subtopics referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach the entire Common Core Content is available in a single source document in order to facilitate its reading and its implementation, as requested by several stakeholders.

The Agency fully agrees with the need for the future maintenance of the ATCO Initial Training requirements, as transposed into EU legislation. It is obvious that the Agency itself cannot possess and maintain such detailed knowledge and experience in ATCO training. Therefore, it is foreseen to establish a rulemaking task in which the industry has 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. The Agency is committed to ensure that such future activity is undertaken in the most efficient way while only the industry itself can decide how it wishes to organise its resources in this regard.

comment

23

comment by: LFV

Ref 273.

"Change of the surveillance rating system"

LFV suggests option 2.

"Oceanic control rating endorsement"

LFV suggests option 1.

	<p>"Validity of the unit training endorsement" LFV strongly suggests to establish a flexible system due to the fact that there are such a diversity between size of units, movements, complexity etc etc. LFV suggests option 2.</p> <p>"Assessments of the language proficiency" LFV suggests reference to ICAO doc 9835 instead.</p> <p>"Approach to initial training - transposition of the Common Core Content" LFV suggests option 2b, dynamic referencing.</p>
response	<p><i>Noted</i></p> <p>With regard to the assessment of language proficiency the Agency highlights 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 the formulation of the material is not purposed for mandatory use. Reproducing parts of it 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. Their mandatory application and uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document.</p>

comment	<p>38 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p>The outline of the system in question (total system approach) is never defined, which is a problem. France would like the Agency to define the system.</p>
response	<p><i>Noted</i></p> <p>The total system approach is based on the fact that the aviation system components — products, operators, crews, aerodromes, ATM, ANS, on the ground or in the air — are part of a single network. Uniformity is achieved through the common implementation of the rules adopted by the Commission. The 'total system approach' eliminates the risk of safety gaps or overlaps, and seeks to avoid conflicting requirements and unclear responsibilities. Regulations are interpreted and applied in a standardised manner and best practices are provided. At the same time, uniformity means to protect citizens and to provide a level playing field for the functioning of the internal market. Furthermore, it will allow for the realisation of increased interoperability of products and services. The 'total system approach' also streamlines the certification processes and reduces the burden on regulated persons and organisations. The above description of the concept can be found at http://www.easa.europa.eu/atm/total-system-approach.html</p>

comment	<p>39 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p> <p>The outline of the system in question (total system approach) is never defined,</p>
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	<p>which is a problem. France would like the Agency to define the system.</p>
response	<p><i>Noted</i></p>
	<p>The total system approach is based on the fact that the aviation system components — products, operators, crews, and aerodromes, ATM, ANS, on the ground or in the air — are part of a single network. Uniformity is achieved through the common implementation of the rules adopted by the Commission. The 'total system approach' eliminates the risk of safety gaps or overlaps, and seeks to avoid conflicting requirements and unclear responsibilities. Regulations are interpreted and applied in a standardised manner and best practices are provided. At the same time, uniformity means to protect citizens and to provide a level playing field for the functioning of the internal market. Furthermore, it will allow for the realisation of increased interoperability of products and services. The 'total system approach' also streamlines the certification processes and reduces the burden on regulated persons and organisations. The above description of the concept can be found at http://www.easa.europa.eu/atm/total-system-approach.html</p>
comment	<p>40 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p>
	<p>The outline of the system in question (total system approach) is never defined, which is a problem. France would like the Agency to define the system.</p>
response	<p><i>Noted</i></p>
	<p>The total system approach is based on the fact that the aviation system components — products, operators, crews, and aerodromes, ATM, ANS, on the ground or in the air — are part of a single network. Uniformity is achieved through the common implementation of the rules adopted by the Commission. The 'total system approach' eliminates the risk of safety gaps or overlaps, and seeks to avoid conflicting requirements and unclear responsibilities. Regulations are interpreted and applied in a standardised manner and best practices are provided. At the same time, uniformity means to protect citizens and to provide a level playing field for the functioning of the internal market. Furthermore, it will allow for the realisation of increased interoperability of products and services. The 'total system approach' also streamlines the certification processes and reduces the burden on regulated persons and organisations. The above description of the concept can be found at http://www.easa.europa.eu/atm/total-system-approach.html</p>
comment	<p>42 comment by: <i>Direction de la sécurité de l'aviation civile (DSAC)</i></p>
	<p>The outline of the system in question (total system approach) is never defined, which is a problem. France would like the Agency to define the system.</p>
response	<p><i>Noted</i></p>

The total system approach is based on the fact that the aviation system components — products, operators, crews, and aerodromes, ATM, ANS, on the ground or in the air — are part of a single network. Uniformity is achieved through the common implementation of the rules adopted by the Commission. The 'total system approach' eliminates the risk of safety gaps or overlaps, and seeks to avoid conflicting requirements and unclear responsibilities. Regulations are interpreted and applied in a standardised manner and best practices are provided. At the same time, uniformity means to protect citizens and to provide a level playing field for the functioning of the internal market. Furthermore, it will allow for the realisation of increased interoperability of products and services. The 'total system approach' also streamlines the certification processes and reduces the burden on regulated persons and organisations. The above description of the concept can be found at <http://www.easa.europa.eu/atm/total-system-approach.html>

comment

79

comment by: DSAE/DIRCAM/SDSA

French military ATCO's don't exercise the privileges of their licence in the ADS and MLAT rating endorsements. They are not suppose to exercise theses privileges out of France.

So this change of the surveillance rating system require more time, skills of the instructors and money.

As we do not need these ratings, french military ANSP preferred the option 1.

response

Noted

The draft Regulation is purposed to be applicable at European Union level and thus applies to all Member States. Uniform training requirements are the basis for the mutual recognition of licences and thus the key contributor to the mobility of air traffic controllers.

comment

100

comment by: Maastricht UAC

Expl. Note 275 impacts

With regard to the statement that, Training organisation will benefit from:
- 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.....

This is not a correct statement as under Regulation 805/2011, nothing currently prevents a Training organisation from employing a former ATCO to provide training in a STD. Indeed, by creating the STDI endorsement, an extra burden is placed on the Training organisation to maintain this endorsement with training, minimum hour requirements and assessments. In addition, preventing an STDI from an operational unit from providing instruction in the Pre-OJT for that unit is an additional constraint with no obvious improvement in quality or safety.

response

Not accepted

What is possibly the current practice in one training organisation is not necessarily applied in a harmonised manner in the entire EU. Moreover, the creation of STDI endorsement provides the benefit of mutual recognition, which is only possible with underlying common training and qualification requirements. Therefore, its added value is confirmed. However, following the comments received the privileges of the STDI endorsement have been modified.

comment 106

comment by: Maastricht UAC Training Organisation

<u>Paragraph identification:</u>	<u>Justification:</u>	<u>Alternative proposal:</u>
Expl. Note 275 impacts	<p>With regard to the statement that, <i>Training organisation will benefit from:</i> - <i>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.....</i></p> <p>This is not a correct statement as under Regulation 805/2011, nothing currently prevents a Training organisation from employing a former ATCO to provide training in a STD.</p> <p>Indeed, by creating the STDI endorsement, an extra burden is placed on the Training organisation to maintain this endorsement with training, minimum hour requirements and assessments. In addition, preventing an STDI from an operational unit from providing instruction in the Pre-OJT for that unit is an additional constraint with no obvious improvement in quality or safety.</p>	<p>Delete this paragraph and acknowledge that the STDI endorsement requirements actually <u>restricts</u> employment possibilities due to the training required and the need to maintain the endorsement.</p>

response Not accepted

What is possibly the current practice in one training organisation is not necessarily applied in a harmonised manner in the entire EU. Moreover, the creation of STDI endorsement provides the benefit of mutual recognition, which is only possible with underlying common training and qualification requirements. Therefore, its added value is confirmed. However, following the comments received the privileges of the STDI endorsement have been modified.

comment

117

comment by: DFS Deutsche Flugsicherung GmbH

Answer to 275:

The proposed regulation indeed will require adaptation and additional activities from stakeholders. The allowed 18-month adaptation and transition period is definitely too short.

response

Accepted

With the restructuring of the applicability dates and the relevant transitional arrangements Member States have 24 months at their disposal.

comment

131

comment by: HungaroControl

EN 273 :

Validity of the unit endorsement:

The preferred option is Option 2: Establish a flexible system that can be adapted to the diversity of the air traffic control units is the preferred option.

response

Accepted

comment

132

comment by: HungaroControl

EN 273:

Assessment of the language proficiency

Establish a validity period for expert level language proficiency (level 6) **in English** and require revalidation at intervals higher in proportion compared to lower proficiency levels.

Only for English language proficiency as English is the aviation language that one will be using outside a local environment. There is therefore a greater risk of erosion (except in the UK). However, testing level 6 in local languages does not make any sense as there will be no erosion and the language is only used in that particular area.

response

Accepted

comment	133	comment by: HungaroControl
	<p>EN 273: Assessment of the language proficiency Incorporate relevant ICAO requirements into EU legislation with regard to the language assessment bodies</p> <p><u>Reference Doc 9835</u> It would be preferable to reference ICAO doc 9835, if necessary. Reproducing part of it takes the requirements out of context and creates imbalance in the requirements.</p>	
response	<p><i>Not accepted</i></p> <p>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 the formulation of the material is not purposed for mandatory use. Reproducing parts of it 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. Their mandatory application and uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document.</p>	

comment	134	comment by: HungaroControl
	<p>EN 273: Approach to initial training — transposition of the Common Core Content The preferred option is 2b) Dynamic referencing.</p>	
response	<p><i>Noted</i></p> <p>The rationale and the methodology adopted for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account comments received on this subject, the Agency has decided to introduce a change to the proposed methodology for the transposition, as follows:</p> <ul style="list-style-type: none"> • Subjects, topics and subtopics are transposed into Implementing Rules; • Subject objectives and training objectives are transposed into AMC. The AMC now include also the subjects, topics and subtopics referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach the entire Common Core Content is available in a single source document in order to facilitate its reading and its implementation, as requested by several stakeholders. 	

comment 160

comment by: *swissatca*

Option 2b):
dynamic
referencing

We are not in favour of transposing training documentation into legislation because of the risk of misuse . eg conflict of interest, cost cutting issues).

response *Noted*

The rationale and the methodology adopted for the transposition of the EUROCONTROL Specification for the ATCO CCC Initial Training with the proposed methodology is explained and justified in the Regulatory Impact Assessment (C) attached to the NPA. In order to provide more flexibility as regards future updates and taking into account 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;
- Subject objectives and training objectives are transposed into AMC. The AMC now include also the subjects, topics and subtopics referred to the subject objectives and training objectives, with the indication of their different regulatory status. With this approach the entire Common Core Content is available in a single source document in order to facilitate its reading and its implementation, as requested by several stakeholders.

The statements in the comment are not supported by evidence. The RIA concluded that the proposed option is the most efficient from both the regulatory and economic point of view.

comment 238

comment by: *EUROCONTROL*

Paragraph 270: 3rd bullet: While EASA may continuedly be of the opinion that a system operating through Eurocontrol Specifications is not providing the level of harmonisation required, there is ample evidence that the system of Eurocontrol Specifications is much faster than the option EASA has preferred, namely the transposition into its own rulemaking.

response *Noted*

The statements in the comment as regards the level of harmonisation and the efficiency of the EASA rulemaking procedure are not supported by evidence. The rationale for preferring transposition to referencing is explained in the RIA (Chapter 9 as regards the Common Core Content for ATCO Initial Training, and Chapter 11 as regards the ATCO Medical Requirements).

comment	239	comment by: EUROCONTROL
	<p>5th bullet:</p> <p>This is an element air traffic controller benefit from much already today (extension of professional career). We suggest to remove this benefit, unless it can be justified for safety reasons. However, all air traffic controllers undertaking training will benefit if the practise of training given by non-ATCOs is stopped.</p>	
response	<p><i>Not accepted</i></p> <p>There is no indication of which segment of NPA 2012-18 (A) the comment refers to, as it is only indicated that it concerns the '5th bullet'. By analysing the content, the Agency has concluded that the comment is related to paragraph 275 on page 65 of NPA 2012-18 (A).</p> <p>The RIA Section 8.5, Option 1, specifies that '[...] The proposed synthetic training device instructor (STDI) endorsement doesn't only offer this advantage, but creates a category of practical instructors who have limited privileges compared to the OJTIs based on less strict prerequisite requirements. This category offers an alternative to those air traffic controllers whose licence is no longer valid due to e.g. medical grounds or retirement.' This is a benefit for both ATCOs and training organisations. What may exist today as a possibility and thus as benefit in certain Member States, in the absence of common rules may not necessarily be available in others. Moreover, with the new STDI endorsement those benefits will include also the aspect of mutual recognition, which is certainly not the case today. Option 1 fully supports this NPA statement which is indicated in the RIA summary, paragraph 275.</p>	

comment	240	comment by: EUROCONTROL
	<p><i>Training organisations will benefit from:</i></p> <p>5th bullet:</p> <p>This is an element training organisations benefit from already today. We suggest to remove this benefit, unless it can be justified for safety reasons. However, it is beneficial for everyone if new licensing requirements prevent the practise of some ANSPs/TOs employ non-ATCOs or not adequately rated ATCOs in the provision of practical training.</p>	
response	<p><i>Not accepted</i></p> <p>There is no indication of which segment of NPA 2012-18 (A) the comment refers to, as it is only indicated that it concerns the '5th bullet'. By analysing the content, the Agency has concluded that the comment is related to paragraph 275 on page 66 of NPA 2012-18 (A).</p> <p>The RIA Section 8.5, Option 1, specifies that '[...] The proposed synthetic training device instructor (STDI) endorsement doesn't only offer this advantage, but creates a category of practical instructors who have limited privileges compared to the OJTIs based on less strict prerequisite requirements. This category offers an alternative to those air traffic controllers whose licence is no longer valid due to e.g. medical grounds or retirement.' This is a benefit for both ATCOs and training organisations. What may exist today as a</p>	

possibility and thus as benefit in certain Member States, in the absence of common rules may not necessarily be available in others. Moreover, with the new STDI endorsement those benefits will include also the aspect of mutual recognition, which is certainly not the case today. Option 1 fully supports the NPA statement which is indicated in the RIA summary, paragraph 275.

comment

242

comment by: EUROCONTROL

Paragraph 272 - Specific objectives for air traffic control licensing: Move bullet 2 of specific objectives into the first place, as safety is higher objective than mobility

response

Accepted

comment

273

comment by: ENAV

Assessment of the language proficiency
Incorporate relevant ICAO requirements into EU legislation with regard to the language assessment bodies

Reference Doc 9835

It would be preferable to reference ICAO doc 9835, if necessary. Reproducing part of it takes the requirements out of context and creates imbalance in the requirements

response

Not accepted

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 the formulation of the material is not purposed for mandatory use. Reproducing parts of it 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. Their mandatory application and uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document.

comment

327

comment by: NATS National Air Traffic Services Limited

EN 273
ATCO.B.040

It would be preferable to reference ICAO doc 9835, if necessary. Reproducing part of it takes the requirements out of context and creates imbalance in the requirements

Assessment of the language proficiency: Incorporate relevant ICAO requirements into EU legislation with regard to the language assessment bodies therefore Reference Doc 9835

response *Not accepted*

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 the formulation of the material is not purposed for mandatory use. Reproducing parts of it 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. Their mandatory application and uniform implementation via the standardisation inspections at European level cannot be ensured by simple referencing to the document.

D. Appendices — I. Diabetes protocol

p. 70-73

comment 3

comment by: *Andy Drinkell*

1. What reference material has been consulted, and what are the qualifications of the consultant that has made comment to EASA to justify the position as stated in PartMED that insulin-treated diabetes renders any applicant as medically unfit for duty
2. PartMED apparently ignores the rights of individual assessment of relevant factors such medical history, hypoglycaemic warning symptoms, etc. This would appear to be in clear contravention of Art 14 of the European Convention on Human Rights.
3. Has PartMED plagiarised ICAO's position on insulin-treated diabetes? The ICAO Manual of Aviation Medicine (3rd Ed, 2012) raises a number of concerns does not actually specify the reason why insulin-treated diabetic applicants should be assessed as unfit.
4. can you comment on why ICAO has not altered its position on insulin-treated diabetes since its inception, despite significant advances in the treatment of diabetes, particularly blood-glucose testing.
5. ICAO in any case only sets out minimum standards, not an edict. Any member state is at liberty to file a difference, as indeed Canada has done with regard to insulin-treated diabetes. It appears PartMED is giving special attention, without reason, in this draft, can you explain why?
6. With respect to the above, if EASA bans insulin-treated diabetics as a group from ATCO duties, this will mean that citizens of member states will suffer discrimination in the workplace, whilst foreign (Canadian) national will be permitted to occupy the cockpit of commercial airliner, potential flying through the airspace of its member states and landing at its major commercial airports. How does EASA justify this inequality?
7. If every illness excluded certification as a blanket measure, there would be No ATCO's. It is a basic right to be assessed individually, can you confirm this will be done?

Andy Drinkell

response *Noted*

comment	241	comment by: EUROCONTROL
	Pages 70-73 Appendices: An introduction to Appendix D relating it to note 224 would be helpful	
response	Noted	

2. Appendix A — Attachments

 [IFATCA Comments on NPA2012-18 ATCO Lic PUBLISHED 130428.pdf](#)

Attachment #1 to comment [#210](#)

 [ATMPP diabetes change and review proposal npa 2012-18.pdf](#)

Attachment #2 to comment [#170](#)

 [change and review proposal npa 2012-18 \(1\).pdf](#)

Attachment #3 to comment [#188](#)